

PLANNING & ZONING COMMISSION
Meeting Agenda
Tuesday, July 21, 2015 at 6:00 P.M.
City Hall
26 Union Street, 2nd Floor

- I. CALL TO ORDER
- II. CHANGES TO THE AGENDA
- III. APPROVAL OF THE MINUTES
- IV. OLD BUSINESS
- V. NEW BUSINESS

1. CONSIDERATION OF RULES OF PROCEDURES FOR PUBLIC HEARINGS.

2. Case Z (CD)-20-15/S-02-15 (LEGISLATIVE HEARING) THE APPLICANT HAS REQUESTED THAT THIS ITEM BE REMOVED FROM THE AGENDA

Walton North Carolina, LLC has submitted a zoning map amendment application and preliminary subdivision plat application for property generally located on the west side of Odell School Road from Residential Low Density (RL) to Residential Compact Conditional District (RC-CD) for the development of a single family subdivision (Ridges of Concord) and for approval of a Site Specific Development Plan (SSDP) for the vesting of development. PINs 4681-94-6153, 71-4316, 91-3041, 72-7234, 4691-03-0484.

3. Case Z (CUD)-24-07 (LEGISLATIVE HEARING) TO BE CONTINUED UNTIL THE AUGUST MEETING

NVR Inc. dba Ryan Homes has submitted a zoning map amendment application for property generally located at 1180 Crestmont Road to amend a previously approved Residential Compact Conditional District (RC-CD) to address architectural requirements and amenity/common open space issues. PINs – various including 5630-92-6070

4. Case Z (CD)-15-15 (LEGISLATIVE HEARING) TO BE CONTINUED UNTIL THE AUGUST MEETING

MGP Retail Consulting, LLC has submitted a zoning map amendment application for property generally located at 4460 Weddington Road from Residential Village (RV) to Light Commercial – Conditional District (C1-CD) for the development of a retail grocery store. PIN 5600-74-6703.

5. Case Z (CD)-16-15 (LEGISLATIVE HEARING)

Carlos Moore Architect, PA has submitted a zoning map amendment application for property located at 1128 Union Street South from Residential Medium Density (RM-1) to Light Commercial – Conditional District (C1-CD) for the redevelopment of a single family home to specialty retail. PIN 5539-77-6845

- a. Open Public Hearing by Motion
- b. Staff Presentation
- c. Staff Recommendation: No objection
- d. Applicant’s Testimony
- e. Opponent’s Testimony
- f. Close Public Hearing by Motion
- g. Approve Statement of Consistency by Motion
- h. Approve/Deny Zoning Amendment by Motion

6. Case Z (CD) -17-15 (LEGISLATIVE HEARING)

TO BE CONTINUED UNTIL THE AUGUST MEETING

New Life Developers, LLC has submitted a zoning amendment application for property located at 35 Deal Street, SE from Residential Medium Density (RM-1) to Residential Compact – Conditional District (RC-CD) (PIN 5631-21-5437).

7. Case Z (CD)-19-15 (LEGISLATIVE HEARING)

Ryan Companies, US, Inc. has submitted a zoning amendment application for property located at the northwest quadrant of Pitts School Road NW and Weddington Road NW from Light Industrial (I-1) and Planned Unit Development (PUD) to General Commercial-Conditional District (C-2CD) for the development of a secondary school and retail uses (PIN 4690-60-1164).

- a. Open Public Hearing by Motion
- b. Staff Presentation
- c. Staff Recommendation: Objection
- d. Applicant’s Testimony
- e. Opponent’s Testimony
- f. Close Public Hearing by Motion
- g. Approve Statement of Consistency by Motion
- h. Approve/Deny Zoning Amendment by Motion

8. Case Z (CD) 13-15 (LEGISLATIVE HEARING)

Daniel W. Sullivan has submitted a zoning amendment application for property located at 1144 Union Street, South from Residential Medium Density (RM-1) to Light Commercial-Conditional District (C-1CD) for the redevelopment of a single family residence to a consulting business (PIN 5539-77-6695).

- a. Open Public Hearing by Motion
- b. Staff Presentation
- c. Staff Recommendation: No objection
- d. Applicant's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion
- g. Approve Statement of Consistency by Motion
- h. Approve/Deny Zoning Amendment by Motion

9. Case Z-14-15 (LEGISLATIVE HEARING)

Southeastern Premiere Properties has submitted a zoning amendment application for property located at 375 Pitts School Road from Light Commercial-Conditional District (C-1CD) to Residential Village (RV) (PIN 4599-87-0929).

- a. Open Public Hearing by Motion
- b. Staff Presentation
- c. Staff Recommendation:
- d. Applicant's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion
- g. Approve Statement of Consistency by Motion
- h. Approve/Deny Zoning Amendment by Motion

VI. PETITIONS AND REQUESTS –NO PUBLIC HEARINGS REQUIRED

VII. PRESENTATIONS AND DISCUSSION

VIII. RECOGNITION OF PERSONS REQUESTING TO BE HEARD

IX. MATTERS NOT ON THE AGENDA

Memo

To: Planning and Zoning Commission Members
From: Kevin E. Ashley, AICP Planning and Development Manager
Date: July 17, 2015
Re: Proposed Rules of Procedure for Public Hearings

At the June meeting, the City Attorney discussed rules of procedure for conducting public hearings. These rules are identical to those adopted by City Council. These rules give both the opponents and proponents equal time for testimony. A copy of these rules is included for your adoption.

Rules and Time Limitation For Public Hearings Before The City of Concord Planning and Zoning Commission

In order to promote discussion, allow public input, maintain order and fair allotment of time to interested parties and avoid unnecessary repetition, the Planning and Zoning Commission has adopted the following time limitation policy for all public hearings:

- City staff will initiate the hearing with a brief description and the recommendation;
- The Proponents will present their case. A total of 21 minutes shall be allotted for the presentation. Individuals limited to three (3) minutes per person, a spokesperson may use all twenty-one (21) minutes if agreed by the proponents.
- The Opponents will present their case. A total of 21 minutes shall be allotted for the presentation. Individuals limited to three (3) minutes per person, spokesperson may use all twenty-one (21) minutes if agreed by the opponents.
- In the event more than 7 separate and distinct opponents wish to present testimony, each speaker will be allotted three (3) minutes until each speaker signed up has been allowed to speak. The Proponent will then be allotted additional time to equal the amount of time used by all Opponents. This additional time shall be in addition to already allotted rebuttal time.
- A total of five (5) minutes will be allowed to both proponents and opponents for rebuttal.

(Please note that as the Commission asks questions of the speaker, the time clock will be temporarily stopped until the question is answered and the speaker continues his presentation.)

The Planning and Zoning Commission, following a majority vote, and if it believes that a particular situation warrants it, may extend the time; provided that the extension affords equal time to both sides, or it may waive the rules on time limitations,.

A staff member will indicate to each speaker when they have one minute remaining with a yellow light and when their allotted time has expired with a red light and a beep. Each speaker is asked to carefully monitor the signals so as not to infringe on another speaker's time.

* If a particular situation warrants more time, the Planning and Zoning Commission, following a majority vote, may extend equal time to both the proponents and opponents.

In addition to these time limitation, the Planning and Zoning Commission establishes the following rules for public hearings:

1. Speakers will provide contact information to the secretary prior to speaking;
2. Speakers must come to the podium to make their remarks; special accommodations will be made for persons with disability with appropriate advanced notice to the secretary;

3. Audience members who are not at the podium and have not otherwise been recognized by the Planning and Zoning Commission, shall not speak out;
4. Speakers will clearly state their names;
5. Speakers will be concise;
6. Speakers will avoid repetition;
7. Speakers shall adhere to the time limit;
8. Speakers may only speak once per public hearing;
9. Unused minutes are not transferable to other speakers;
10. Individuals will designate a spokesperson for large groups when possible;
11. Speakers will direct comments to the Commission and not to the proponents, city staff or other audience members.
12. Any materials a speaker wishes to present to Planning and Zoning Commission shall be provided to the secretary.

Failure to abide by these rules may result in removal from the hearing chambers.

Memo

To: Planning and Zoning Commission Members
From: Kevin E. Ashley, AICP Planning and Development Manager
Date: July 17, 2015
Re: Case Z(CD)-20-15/S-02-15 – Ridges at Concord

The applicant (Walton North Carolina, LLC) has requested that this item be removed from this month's agenda.

Memo

To: Planning and Zoning Commission Members
From: Kevin E. Ashley, AICP Planning and Development Manager
Date: July 17, 2015
Re: Case Z(CUD)-24-07 – Pendleton Subdivision

The developer is continuing to work on the stormwater easement issue which would preclude the Commission from approving this petition. This item needs to be continued until the August meeting to allow the developer to continue to work on resolution of the issue.

Memo

To: Planning and Zoning Commission Members
From: Kevin E. Ashley, AICP Planning and Development Manager
Date: July 17, 2015
Re: Case Z(CD)-15-15

Staff is requesting continuance of this item in order allow the applicant to amend their site plan and to present building elevations.



DATE: July 21, 2015

CASE #: Z (CD)-16-15

DESCRIPTION: Zoning Map Amendment
(RM-1 Residential Medium Density to C1-CD Light Commercial Conditional District)

OWNER(S): Brenda Furr Lefler

APPLICANT: Carlos Moore Architecture

LOCATION: 1128 Union St. South

PIN#(s): 5539-77-6845

AREA: .327 +/- acres

ZONING: RM-1 (Residential Medium Density)

PREPARED BY: Starla Rogers, Sr. Planner

BACKGROUND

The subject property consists of approximately .327 acres on the west side of Union Street, South, generally on the southwest quadrant of Union Street, South and Branchview Drive, SE. The applicant seeks a zoning map amendment to C1-CD (Light Commercial Conditional District) in order to convert the existing residential structure into a specialty retail business.

HISTORY

The subject property is the site of an approximately 1,100 sf single-family residential structure and an approximately 1,000sf detached garage. According to Cabarrus County Tax Records, the residential structure was constructed in approximately 1954. This parcel was annexed into the City of Concord prior to 1986 and has been zoned and utilized as residential prior to and since that time.

SUMMARY OF REQUEST

he petitioner proposes to rezone the subject property from RM-1 (Residential Medium Density) to C1-CD (Light Commercial Conditional District). The petitioner has clarified that they seek approval limiting the use of the subject property to specialty use retail (Sweetest Beginnings). The currently proposed use consists of custom invitation design and creation including similar products. The facility will be open to the public by appointment only.

Because the request is conditional district in nature, the applicant has submitted a site plan as a condition to the proposed commercial zoning. The proposal intends to maintain the residential character of the existing site and utilize the existing circular driveway as a one-way access point with two curb cuts on Union Street, South. The existing driveway is 8ft wide and consists of gravel and the new proposal is a 12ft wide, one-way, concrete drive. The applicant has proposed to locate 3 concrete parking spaces on site, with one being handicap van accessible. The driveway and parking meet Concord Development Ordinance Standards. The site plan has been reviewed by the Development Review Committee (DRC) and the petition meets the requirements of the CDO. The project will be subject to technical site plan review, including obtaining an NCDOT driveway permit and installing sidewalk.

The adjacent properties directly to the west and south are also zoned RM-1 (Residential Medium Density). Should the Commission approve the request for rezoning to C1-CD (Light Commercial Conditional District), a “class B1” buffer is required along these property lines. A “class B1” buffer should be 15ft wide and create a full visual separation within 3 years of planting. The applicant has met this requirement along the western property line via landscaping and an existing privacy fence. The applicant is able to meet the required landscaping points, utilizing existing trees/vegetation, and by planting evergreen shrubbery along the southern property line. The 15ft buffer distance cannot be met on this side of the site as it is an older residential lot and the driveway limits the planting area. The property directly to the south is zoned residential but is currently vacant and will not likely be developed as a residential use. Furthermore, the property two parcels to the south is also being proposed for rezoning to C1-CD (Light Commercial Conditional District.)

The northern property line abuts a B-1 (Neighborhood Commercial) zoned parcel, improved with a convenience store with fuel sales. A “class A” buffer is required along this boarder. The “Class A” buffer should be 8ft wide. The applicant is able to meet this buffer requirement in landscaping points. The 8ft buffer distance is met along the majority of the property line but due to the location of the driveway, the buffer distance along the front portion of the property is only 4ft wide.

Given the constraints of redeveloping an existing site, staff believes that the intent of the ordinance has been met, as it relates to landscaping, in the more challenging areas. In addition, larger mature trees are proposed to be retained.

The applicant has notified the adjacent property owners (in lieu of a neighborhood meeting) in accordance with Section 3.2.3. Additionally, the applicant has been notified that a change of use in the structure may require construction of a sidewalk (curb and gutter is present).

Properties to the North are zoned RM-1 (Residential Medium Density) and B-1 (Neighborhood Commercial). The RM-1 properties are utilized as single-family residential and the B-1 properties contain a convenience store with fuel sales and the other parcel remains vacant. Properties to the west are zoned RM-1 and are improved with single-family residential structures. Properties to the east are zoned RM-1 and are developed with single-family residential structures and a religious institution (Center United Methodist Church.) Properties to the south are zoned RM-1 and are either vacant or developed as single-family residential. However, the property located two parcels away, at 1144 Union Street, South is also proposed for rezoning to C1-CD. That case is included on this month’s agenda.

Existing Zoning and Land Uses					
Current Zoning of Subject Property	Zoning Within 500 Feet		Land Uses(s) of Subject Property	Land Uses within 500 Feet	
	RM-1 (Residential Medium Density)	North		B-1 and RM-1	Single-family residential
South		RM-1	South	Vacant and single-family residential	
East		RM-1	East	Single-family and institutional (church)	
West		C-2 and RC	West	Single-family residential	

COMPLIANCE WITH 2015 LAND USE PLAN

The 2015 Land Use Plan (LUP) predominately designates the subject property as “residential”. C-1 zoning (including conditional district) is specifically listed as being consistent with the residential land use designation provided that it meets two of the following conditions:

1. Frontage on a major or minor thoroughfare **or** is part of an expansion to an existing C-1 area, which is located adjacent to an existing major or minor thoroughfare, but does not expand said district by greater than 50%.
2. The development proposes low impact uses that are intended to serve the adjacent neighborhoods.
3. None of the traffic from the C-1 area to the arterial street will utilize a street which contains single family detached structures.

The subject property is located on a major thoroughfare (S. Union St.) and while the property does not abut C-1 zoning it does abut a similarly zoned B-1 district. Furthermore, the proposed specialty retail uses are anticipated to be low impact in nature, and would be primarily neighborhood serving. The project has direct access to South Union Street, which in the staff’s historical interpretation, meets the intent of condition criterion #3.

It is the staff’s opinion that the petition meets all three of the above conditions, and is therefore consistent with the LUP.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately .327 acres.
- The subject property is improved with single-family residential structure and one detached residential garage.
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because it meets all three criteria necessary to justify the allowance of C-1 (or conditional district variations) within the “residential” Land Use Category as Union Street is a major thoroughfare and uses could be utilized by the surrounding neighborhood.

- The zoning amendment is reasonable and in the public interest because the petition proposes retail/office uses that could support the surrounding neighborhoods.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request consistent with the 2015 Land Use Plan and the requirements of the Concord Development Ordinance. The staff (and Development Review Committee) has no objections to the petition and the request meets the requirements of the CDO. Because this petition is a parallel conditional district request, the Commission, should they decide to approve the request, may, according to Section 3.2.8.E of the CDO, suggest “**reasonable additional conditions or augment those already provided with the petition, but only those conditions mutually agreed upon by the petitioner and the Commission or Council may be incorporated into the approval. Any such condition should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space and other matters that the Commission or Council may find appropriate.**”

The petitioner has consented to the following conditions:

1. Compliance with the “Schematic Site Plan” for Sweetest Beginnings.
2. Uses on the site shall be limited specialty retail.
3. The project shall be subject to technical site plan approval.

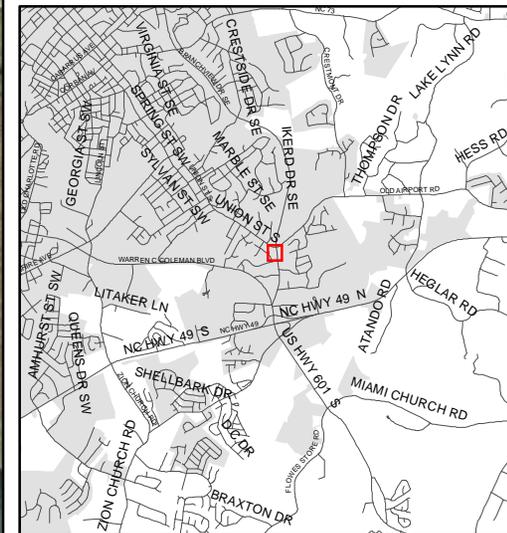
PROCEDURAL CONSIDERATIONS

This particular case is a rezoning to a parallel conditional district, which under the CDO, is “legislative” in nature. Legislative hearings DO NOT require the swearing or affirming of witnesses prior to testimony at the public hearing.

**Z(CD)-16-15
AERIAL**

**Zoning map
amendment application
Residential Medium Density
(RM-1) to Light Commercial -
Conditional District (C1-CD)
for the redevelopment of a
single family home
to specialty retail**

1128 Union St S
PIN: 5539-77-6845



	Subject Property
	Parcels



Source: City of Concord
Planning Department

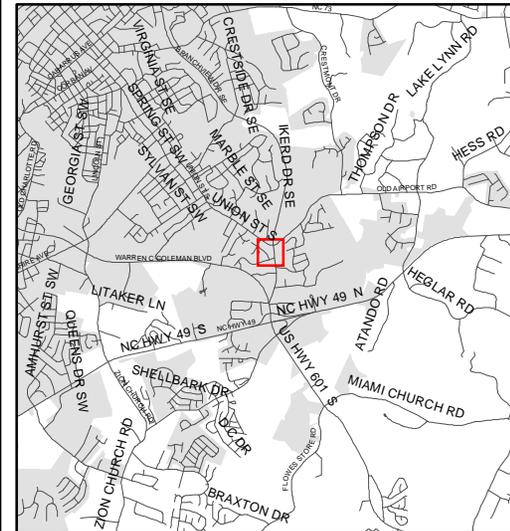
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**Z(CD)-16-15
ZONING MAP**

**Zoning map
amendment application
Residential Medium Density
(RM-1) to Light Commercial -
Conditional District (C1-CD)
for the redevelopment of a
single family home
to specialty retail**

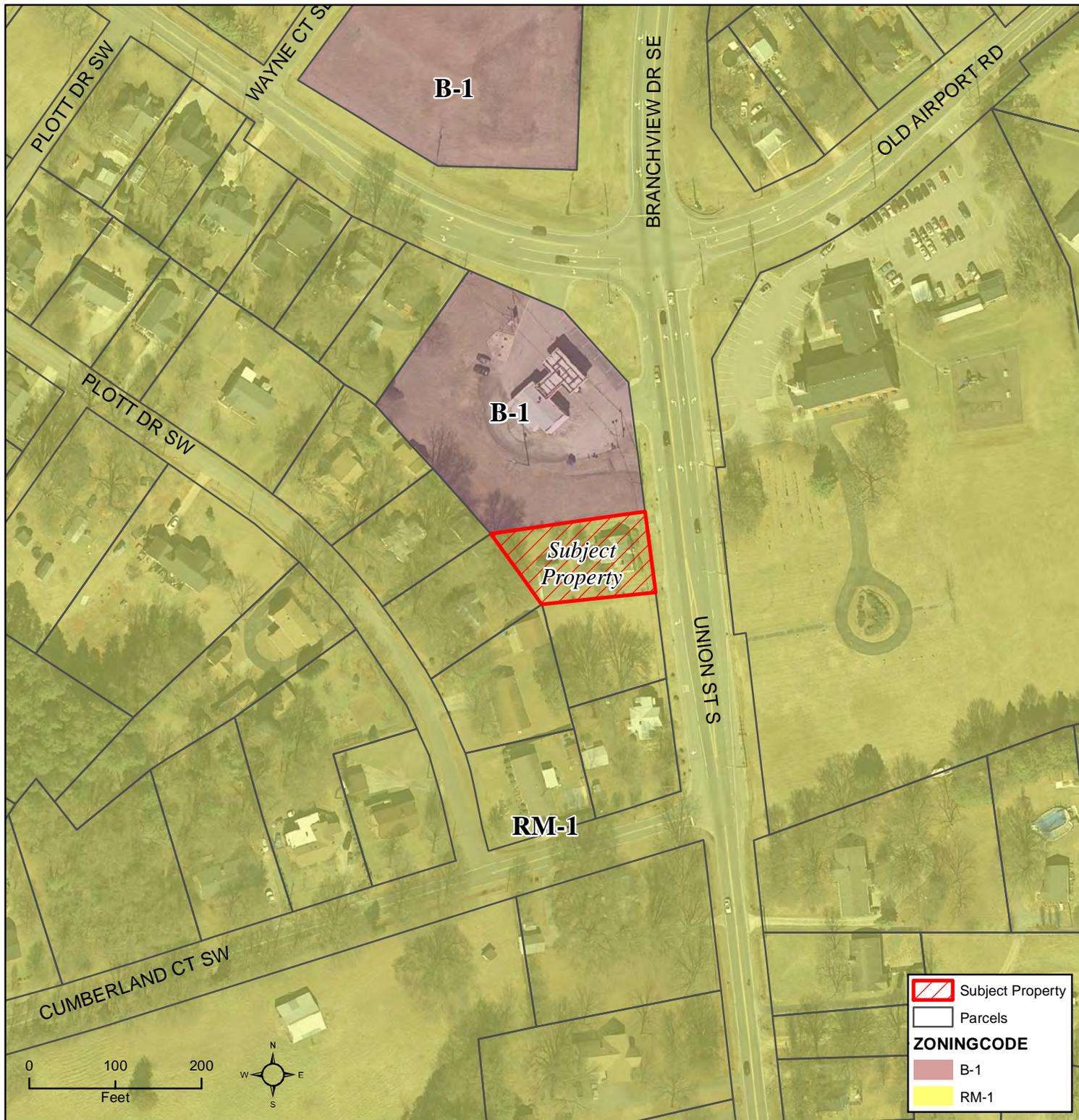
1128 Union St S
PIN: 5539-77-6845



Source: City of Concord
Planning Department

Disclaimer

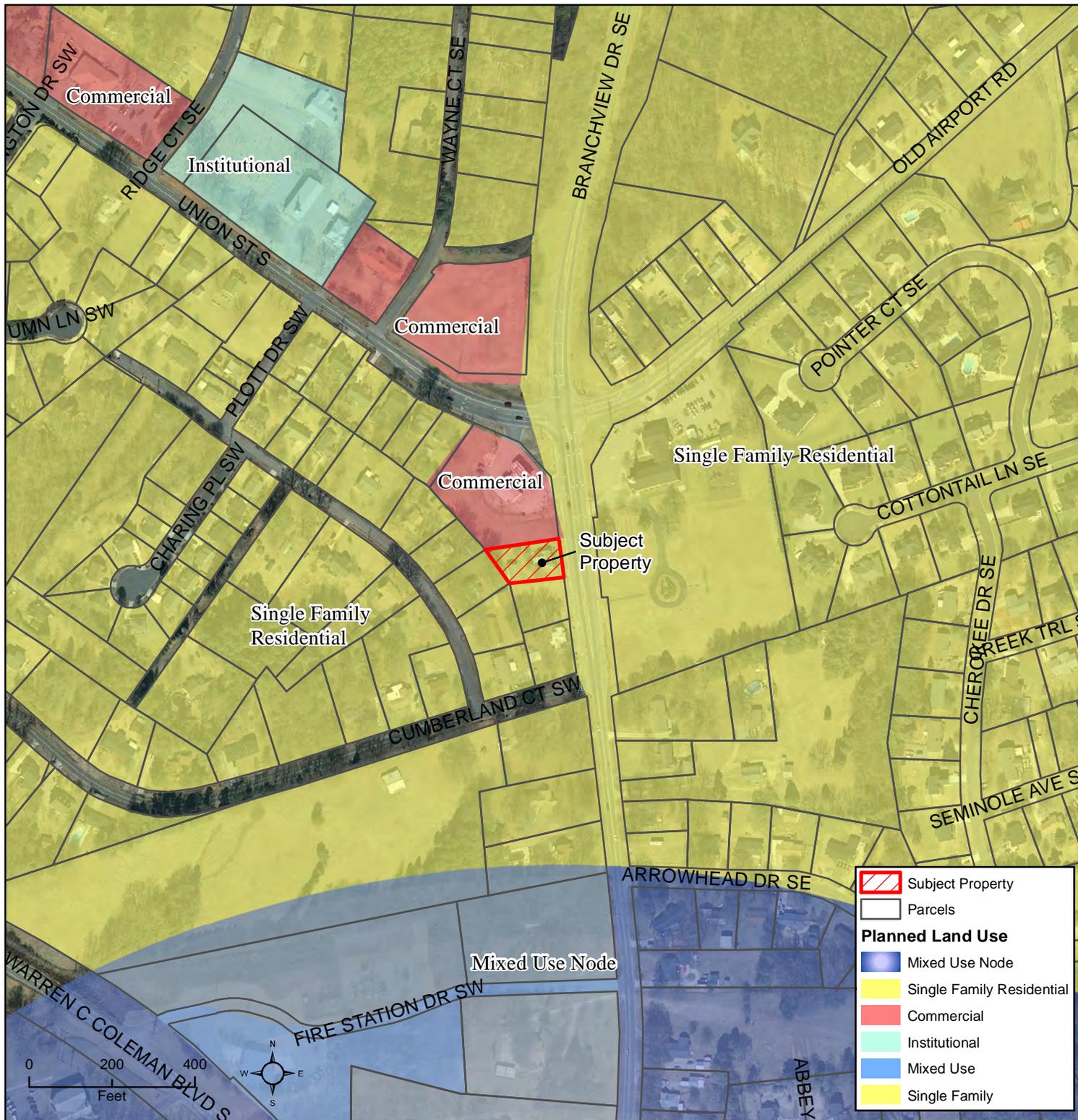
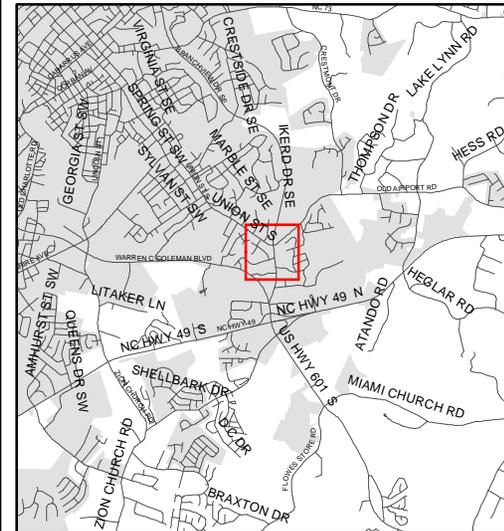
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**Z(CD)-16-15
LAND USE PLAN**

**Zoning map
amendment application
Residential Medium Density
(RM-1) to Light Commercial -
Conditional District (C1-CD)
for the redevelopment of a
single family home
to specialty retail**

1128 Union St S
PIN: 5539-77-6845



	Subject Property
	Parcels
Planned Land Use	
	Mixed Use Node
	Single Family Residential
	Commercial
	Institutional
	Mixed Use
	Single Family



Source: City of Concord
Planning Department

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THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

1. List the Use(s) Proposed in the Project:

specialty retail / business

2. List the Condition(s) you are offering as part of this project. Be specific with each description.
 (You may attach other sheets of paper as needed to supplement the information):

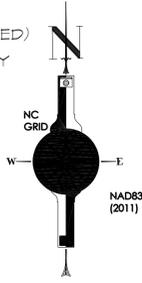
I make this request for Conditional district zoning voluntarily. The uses and conditions described above are offered of my own free will. I understand and acknowledge that if the property in question is rezoned as requested to a Conditional District the property will be perpetually bound to the use(s) specifically authorized and subject to such conditions as are imposed, unless subsequently amended as provided under the City of Concord Development Ordinance (CDO). All affected property owners (or agents) must sign the application.

JAN For Carlos Moore Architect PA
 Signature of Applicant 6.09.2015 Date

[Signature] 6-8-15
 Signature of Owner(s) Date

LINE LEGEND

- PROPERTY BOUNDARY
- - - ADJACENT BOUNDARY (NOT SURVEYED)
- - - PROPERTY BOUNDARY TIE LINE ONLY
- ▨ ZONING BOUNDARY
- RIGHT OF WAY LINE
- CURB AND GUTTER
- OVERHEAD UTILITY LINES
- STORM DRAIN PIPE
- CHAINLINK FENCE LINE
- WOOD FENCE LINE
- EDGE OF GRAVEL
- SANITARY SEWER PIPE
- GAS MARKOUT
- WATERLINE MARKOUT



SETBACKS FOR C-1:
FRONT : 10'
NO SIDE OR REAR SETBACKS

BUFFERS:
AGAINST B-1 - CLASS 3 AGAINST CLASS 3 = TYPE A BUFFER = 5' WIDE
1 SHADE TREE / 100 LF
.2 PTS / LF REQUIRED
186 LF X .2 PTS = 37.2 PTS REQUIRED
3 SHADE TREE SHOWN X 12 = 36 PTS
5 SHRUBS X 2 PTS = 10 PTS
TOTAL FOR NORTH BUFFER YARD = 46 PTS SHOWN

WEST BUFFER:
CLASS 3 AGAINST CLASS 1 = TYPE B1 = 15' AND COMPLETE VISUAL SEPARATION
1 SHADE TREE / 75 LF
1 ORNAMENTAL / 100 LF
.7 PTS / LF
92 X .7 = 64.4 PTS REQUIRED
WOOD FENCE IS EXISTING
3 SHADE TREES SHOWN X 12 = 36 PTS
2 ORNAMENTALS SHOWN X 6 = 12 PTS
6 LARGE SHRUBS SHOWN X 3 = 18 PTS
TOTAL PTS = 66 PTS SHOWN

SOUTH BUFFER:
135 LF X .7 PTS = 95 PTS REQUIRED
3 ORNAMENTAL TREES EXISTING X 6 = 18 PTS
2 SHADE TREES SHOWN X 12 = 24 PTS
3 ORNAMENTAL SHOWN X 6 = 18 PTS
12 LARGE SHRUBS X 3 PTS = 36 PTS
96 PTS SHOWN

IMPERVIOUS SURFACE:
EXISTING: 2,482 SF
+ SCATTERED GRAVEL IN DRIVE NOT CALCULATED
PROPOSED: 3,447 SF
(INCLUDES PROPOSED CONCRETE DRIVE)
TOTAL IMPERVIOUS SURFACE: 5,865 SF OR 43%
TOTAL ACREAGE: 13,608 SF / .312 AC

PARKING:
1/300 SF
SPECIALTY RETAIL
1047 SF / 300 SF = 3 SPACES REQUIRED
(INCLUDES 1 HANDICAP SPACE)
DRIVEWAY 12' IF 45 DEGREE ANGLED PARKING

PROPST BROS DIST INC
PIN # 5539-78-5051
DB ? PG ?

BRENDA FURR LEFLER
PIN # 5539-77-6045
DB 6498 PG 151
PB 5 PG 12
AREA: 13608.0 SF / 0.312 AC

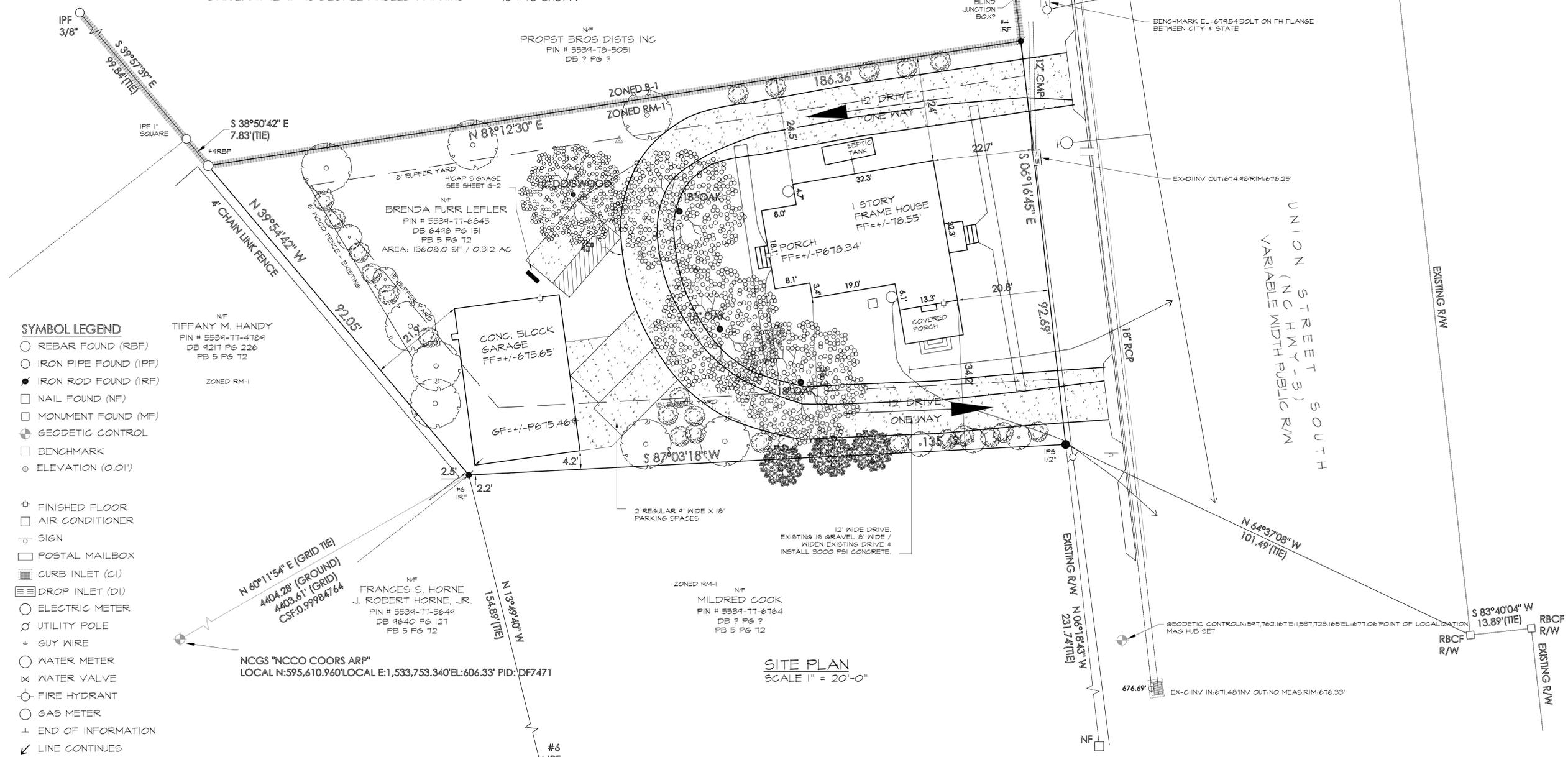
TIFFANY M. HANDY
PIN # 5539-77-4789
DB 4217 PG 226
PB 5 PG 12

FRANCES S. HORNE
J. ROBERT HORNE, JR.
PIN # 5539-77-5649
DB 4640 PG 121
PB 5 PG 12

MILDRED COOK
PIN # 5539-77-6764
DB ? PG ?
PB 5 PG 12

NCGS "NCCO COORS ARP"
LOCAL N:595,610.960 LOCAL E:1,533,753.340 EL:606.33' PID:DF7471

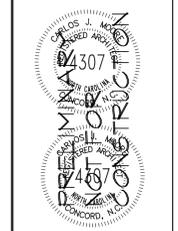
SITE PLAN
SCALE 1" = 20'-0"



SYMBOL LEGEND

- REBAR FOUND (RBF)
- IRON PIPE FOUND (IPF)
- IRON ROD FOUND (IRF)
- NAIL FOUND (NF)
- MONUMENT FOUND (MF)
- ⊕ GEODETIC CONTROL
- BENCHMARK
- ⊕ ELEVATION (0.01')
- ⊕ FINISHED FLOOR
- AIR CONDITIONER
- ⊕ SIGN
- POSTAL MAILBOX
- ▨ CURB INLET (CI)
- ▨ DROP INLET (DI)
- ELECTRIC METER
- UTILITY POLE
- + GUY WIRE
- WATER METER
- ⊕ WATER VALVE
- FIRE HYDRANT
- GAS METER
- + END OF INFORMATION
- ↖ LINE CONTINUES

NOTE:
ALL FEDERAL, STATE, LOCAL CODES, ORDINANCES AND REGULATIONS SHALL BE CONSIDERED AS PART OF THIS PLAN AND SPECIFICATIONS FOR THIS BUILDING AND SHALL TAKE PRECEDENCE OVER ANYTHING SHOWN OTHERWISE ON THESE DRAWINGS.
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Carlos J. Moore
EST. 1987
ARCHITECT PA
222 CHURCH ST. N. CONCORD, NC 28025
T-704-788-8538 F-704-782-0487
WWW.CJMORERESEARCH.COM

CHANGE OF USE
SWEETEST BEGINNINGS
1129 UNION STREET SOUTH CONCORD, NC
PROJECT TITLE:
SHEET TITLE:
BASIC SITE PLAN

DATE: 06.01.2015
DESIGN:
FINAL
REVISIONS:
DRAWING NUMBER: 150503 SPI
DRAWN BY: VLM
CHECKED BY: C. MOORE
SHEET
SP-1
TOTAL # OF SHEETS: 1

Memo

To: Planning and Zoning Commission Members
From: Kevin E. Ashley, AICP Planning and Development Manager
Date: July 17, 2015
Re: Case Z(CD)-17-15

Staff is requesting continuance of this item in order allow the applicant to conduct the required neighborhood meeting in accordance with Section 3.2.3.



DATE: July 21, 2015

CASE #: Z (CD)-19-15

DESCRIPTION: Zoning Map Amendment
Light Industrial (I-1) and Planned Unit Development (PUD) to
General Commercial Conditional District (C-2CD)

OWNERS: Martin Marietta Materials, Inc.

APPLICANT: Ryan Companies US, Inc. c/o Mike Harryman

LOCATION: Northwest quadrant of Pitts School Road and Weddington Road
NE

PIN#s: PIN: 4690-60-1164

AREA: 40.05 +/- acres

ZONING: Light Industrial (I-1) and Planned Unit Development (PUD)

PREPARED BY: Kevin E Ashley, AICP Planning and Development Manager

BACKGROUND

The subject property consists of approximately 40.05 acres on the northwest quadrant of Pitts School Road NW and Weddington Road, NW. Approximately 21 acres is (along the Pitts School Road frontage) is zoned Light Industrial (I-1). The remaining 19.05 acres is zoned Planned Unit Development (PUD). The petitioners propose to rezone to General Commercial Conditional District (C-2CD) for the development of a Charter High School and retail uses. The subject property is vacant land.

HISTORY

The property was annexed on a voluntary basis in February 1991. The land was zoned Cabarrus County Planned Unit Development and the City applied their PUD standards upon annexation in April 1991, and designated the subject property as "single and multifamily residential." The 21 acres along Pitts School Road was subsequently zoned to I-1 on May 12, 1994.

SUMMARY OF REQUEST

The petitioner proposes to rezone the subject property for development of a charter high school. The school is proposed on the western 24.58 acres of the property. The eastern 14.68 acres is

proposed for a “commercial outparcel.” Uses on the school campus include football, softball and baseball fields, as well as a tennis/basketball court and a play area. Access to the site includes a driveway on Pitts School Road and an access on Weddington that follows the northern property boundary.

Within the “outparcel”, the petitioner proposes to exclude the following C-2 uses:

- Air transportation and support facilities;
- Bus charter service including passenger terminal;
- All utilities items in section 8.2.5.J per Concord Development Ordinance – Article 8 Use regulations
 - Electric generating facility
 - Natural gas facility
 - Petroleum pipeline and natural or manufactured gases
 - Sewage treatment facility, private as permitted by NC DENR
 - Water treatment facility
- Fortuneteller, divinations, palmistry
- Vehicle sales and services 8.2.6.1
 - Vehicle storage lot
 - Automobile parts, uses or salvage parts NO outdoor storage
 - Automobile repair, major
 - Automobile towing and wrecker service
 - Manufactured home sales
 - Vehicle sales, lease, rental, including boat, RV and storage buildings
 - Truck stop, travel plaza
- Light Industrial Services 8.2.7.A
 - LP gas and heating oil dealer
 - Machine shop
 - Musical instrument manufacturing
 - Pest control services
 - Portable toilet service
 - Small engine repair
 - Tire recap and repair facility
- Warehousing and storage, non-farm related products
- Solid waste management facility
- Dry cleaning, laundry plant

Exterior elevations have been submitted, which illustrate general compliance with the minimum nonresidential design standards. The applicant will be required to submit more detailed plans for further review during the technical plan review process.

The applicant has conducted a neighborhood meeting in accordance with Section 3.2.3 of the CDO.

The plan has been reviewed by the various City Departments and the petition meets the minimum standards of the CDO. The project will require technical site plan approval, should the petition be approved. The Engineering Department has indicated that a public sewer extension is required for this project and that the total cost will be the responsibility of the developer. The developer has proposed the dedication of 0.79 acres to NDCOT for the widening of Pitts School Road.

Transportation has also stated that a Transportation Impact Analysis (TIA) will be required at the time of technical site plan approval.

Property to the north is zoned I-1, Residential Low (RL) and PUD. The RL land is developed with single family residences and the I-1 and PUD land is vacant. Land to the east is zoned RL and Conditional Use General Commercial (CUC-2). The RL land is improved with single family homes. The CUC-2 property includes one convenience store and vacant land. Land to the south and west is zoned I-1 and is industrially developed and agricultural.

Existing Zoning and Land Uses					
Current Zoning of Subject Property	Zoning Within 500 Feet		Land Uses(s) of Subject Property	Land Uses within 500 Feet	
I-1 and PUD	North	PUD, RL and I-1	Vacant	North	Single family and vacant
	South	I-1		South	Industrial
	East	CUC-2 and RL		East	Commercial, vacant and single family
	West	I-1		West	Industrial and agricultural

COMPLIANCE WITH 2015 LAND USE PLAN

The 2015 Land Use Plan (LUP) designates the subject property as “commercial” which would allow the applicant to request rezoning to C-2 as it is listed as a compatible zoning district within the commercial designation.

While the property is designated commercial, there are, however, portions of the LUP that call for the protection of industrial property. Following are “objectives” and “strategies” that are included under Goal 1 (Balance of Land Uses) within the LUP.

- **Objective 1.2 Provide** a healthy and appropriate mix of commercial and industrial development to meet the needs of the current and future population of the City.
 - **Strategy 1.2.4** Work closely with Cabarrus Economic Development and neighboring jurisdictions to update and adjust the “balanced use” model as conditions and circumstances change over time.
- **Objective 1.3** Ensure the protection of prime future industrial sites.
 - **Strategy 1.3.2** Assign industrial zoning classifications to identify industrial sites and protect from encroachment of incompatible uses in surrounding areas.
 - **Strategy 1.3.4** Meet annually with Cabarrus Economic Development to promote identified prime industrial sites.
 - **Strategy 1.3.5** On an on-going basis, monitor the amount of industrially zoned property that may be rezoned. Utilize the Land Use Plan as a planning tool to protect the industrial properties from being rezoned.

Cabarrus Economic Development Corporation staff has expressed concerns relative to this rezoning as it relates to the reduction of industrially zoned property within the City limits. While the property is designated “commercial”, it does have industrial zoning. Based on the above objectives and strategies, it is the staff’s opinion that the petition is not consistent with the LUP.

Staff has prepared two statements of consistency, one that supports denial of the petition and one that supports approval of the petition.

SUGGESTED STATEMENTS OF CONSISTENCY

DENIAL

- The subject property is approximately 40.05 acres, 21.0 acres of which is zoned Light Industrial (I-1) and 19.05 acres of which is zoned Planned Unit Development (PUD).
- The subject property is vacant land.
- The proposed zoning amendment is not consistent with the 2015 Land Use Plan (LUP) in that numerous objectives and strategies contained in Goal 1 (Balance of Land Uses) support the preservation of industrially zoned land and discourage rezoning for other purposes.
- The zoning amendment is not reasonable and not in the public interest because the petition eliminates industrially zoned property, which is contrary to the provisions of the LUP.

APPROVAL

- The subject property is approximately 40.05 acres, 21.0 acres of which is zoned Light Industrial (I-1) and 19.05 acres of which is zoned Planned Unit Development (PUD).
- The subject property is vacant land.
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) in that the property is designated “commercial” and C-2 zoning is a permissible zoning classification within that designation.
- The zoning amendment is not reasonable and not in the public interest because the proposed land use is one that proposes a land use (high school) that is a public necessity.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request consistent with the 2015 Land Use Plan and the requirements of the Concord Development Ordinance. The staff (and Development Review Committee) has no objections to the petition. Because this petition is a parallel conditional district request, the Commission, should they decide to approve the request, may, according to Section 3.2.8.E of the CDO, suggest **“reasonable additional conditions or augment those already provided with the petition, but only those conditions mutually agreed upon by the petitioner and the Commission or Council may be incorporated into the approval. Any such condition should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open**

space and other matters that the Commission or Council may find appropriate.”

The petitioner has consented to the following conditions:

1. Compliance with the “Concept Site Plan” dated 5/18/15 and “Elevations” dated 5/29/15.
2. The uses on the site shall be limited to the following:
 - Charter High School
 - C-2 Commercial Uses (on the outparcel), excluding the following:
 - a. Air transportation and support facilities;
 - b. Bus charter service including passenger terminal;
 - c. All utilities items in section 8.2.5.J per Concord Development Ordinance – Article 8 Use regulations
 - i. Electric generating facility
 - ii. Natural gas facility
 - iii. Petroleum pipeline and natural or manufactured gases
 - iv. Sewage treatment facility, private as permitted by NC DENR
 - v. Water treatment facility
 - d. Fortuneteller, divinations, palmistry
 - e. Vehicle sales and services 8.2.6.1
 - i. Vehicle storage lot
 - ii. Automobile parts, uses or salvage parts NO outdoor storage
 - iii. Automobile repair, major
 - iv. Automobile towing and wrecker service
 - v. Manufactured home sales
 - vi. Vehicle sales, lease, rental, including boat, RV and storage buildings
 - vii. Truck stop, travel plaza
 - f. Light Industrial Services 8.2.7.A
 - i. LP gas and heating oil dealer
 - ii. Machine shop
 - iii. Musical instrument manufacturing
 - iv. Pest control services
 - v. Portable toilet service
 - vi. Small engine repair
 - vii. Tire recap and repair facility
 - g. Warehousing and storage, non-farm related products
 - h. Solid waste management facility
 - i. Dry cleaning, laundry plant

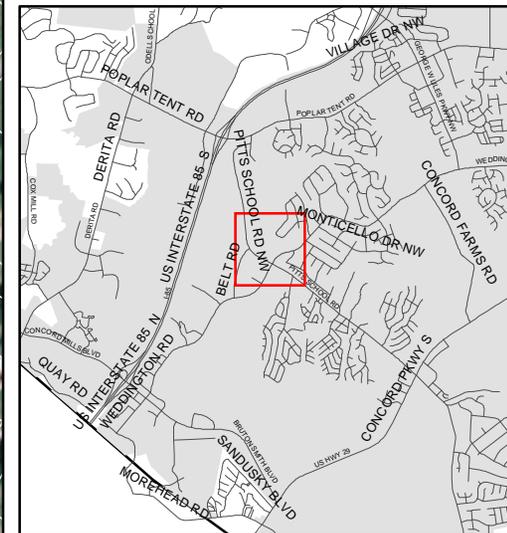
PROCEDURAL CONSIDERATIONS

This particular case is a rezoning to a parallel conditional district, which under the CDO, is “legislative” in nature. Legislative hearings DO NOT require the swearing or affirming of witnesses prior to testimony at the public hearing.

**Z(CD)-19-15
AERIAL**

**Zoning map
amendment application
Light Industrial (I-1) and
Planned Unit Development
(PUD) to General Commercial-
Conditional District (C-2CD)
for the development of a
secondary school and retail uses**

Pitts School Rd NW & Weddington Rd
PIN: 4690-60-1164



Source: City of Concord
Planning Department

Disclaimer

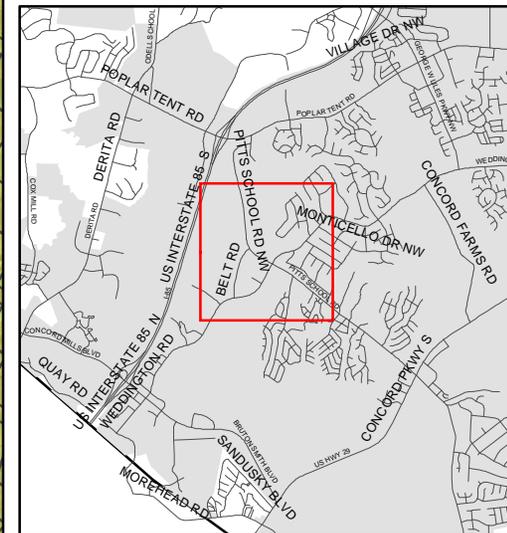
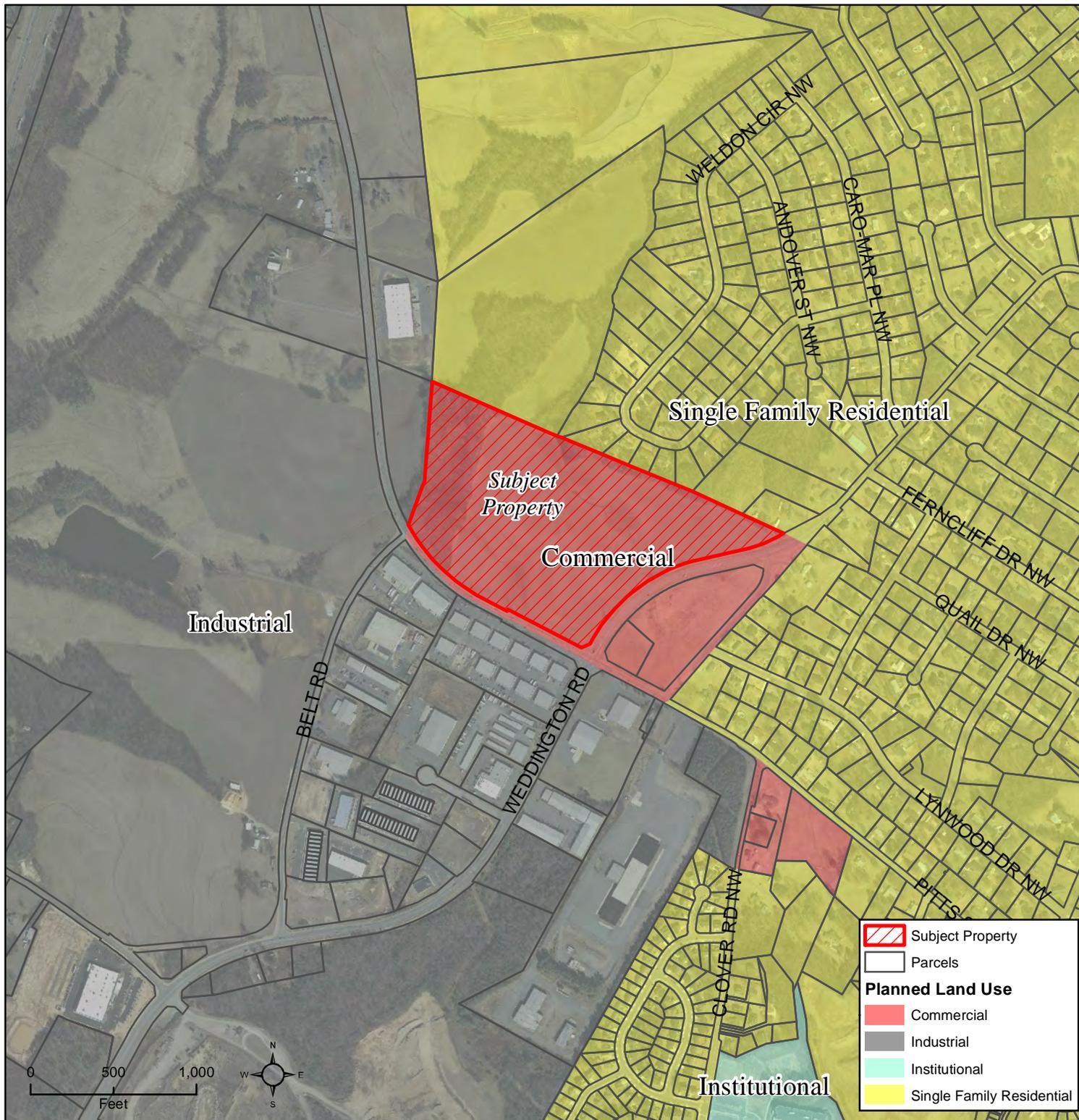
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Source: Esri, DigitalGlobe, GeoEye, I-sat, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**Z(CD)-19-15
LAND USE PLAN**

**Zoning map
amendment application
Light Industrial (I-1) and
Planned Unit Development
(PUD) to General Commercial-
Conditional District (C-2CD)
for the development of a
secondary school and retail uses**

Pitts School Rd NW & Weddington Rd
PIN: 4690-60-1164



	Subject Property
	Parcels
Planned Land Use	
	Commercial
	Industrial
	Institutional
	Single Family Residential



Source: City of Concord
Planning Department

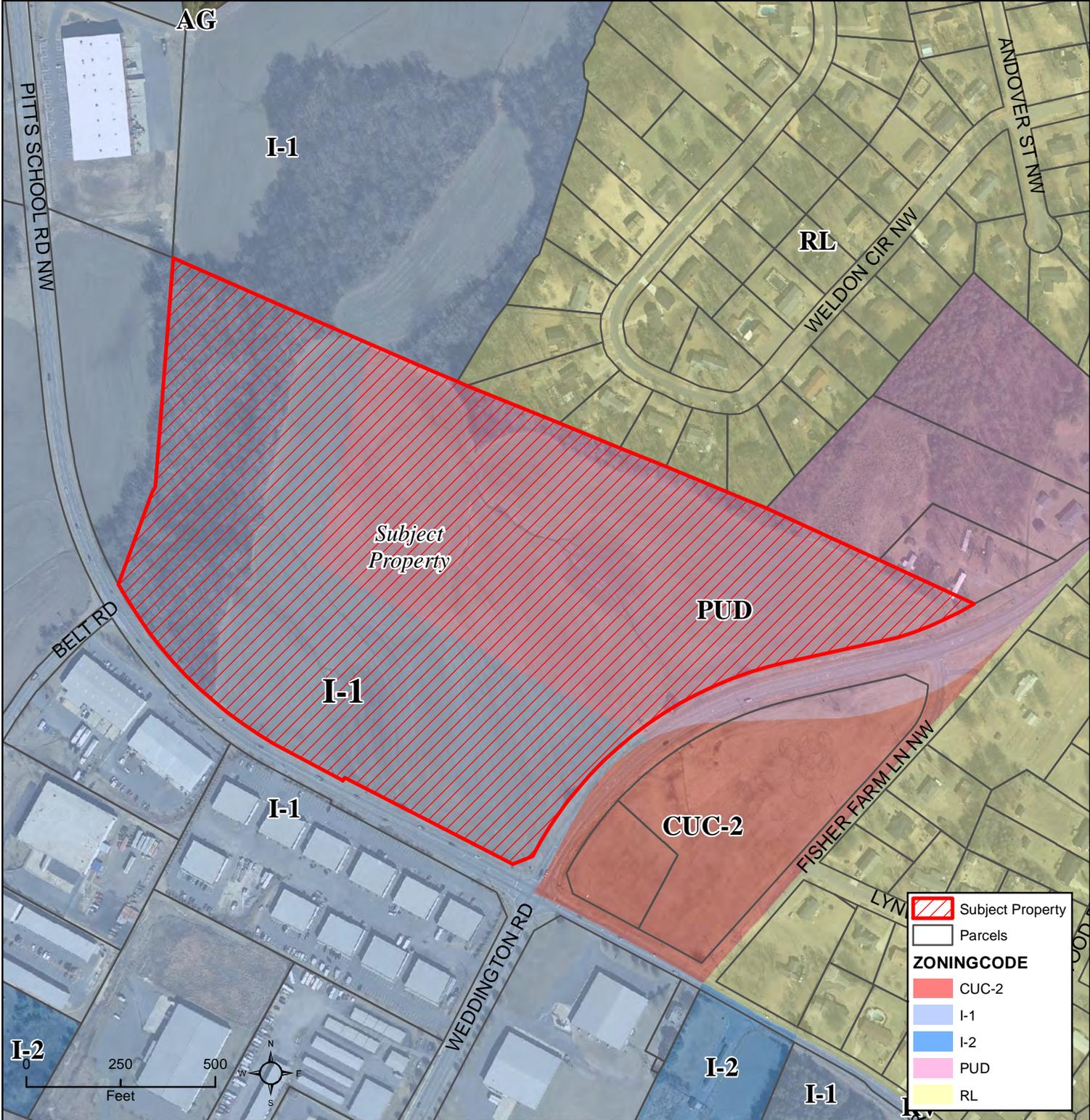
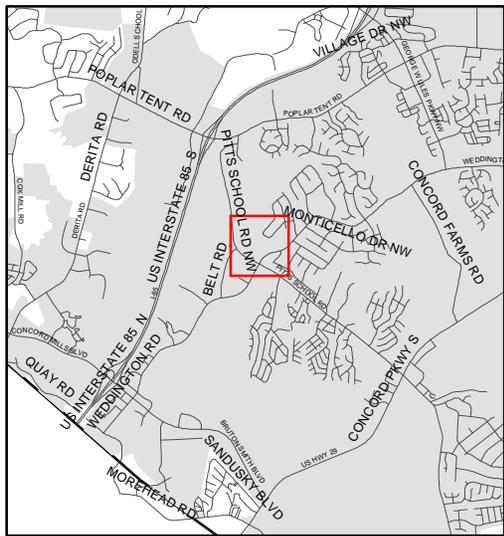
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**Z(CD)-19-15
ZONING MAP**

**Zoning map
amendment application
Light Industrial (I-1) and
Planned Unit Development
(PUD) to General Commercial-
Conditional District (C-2CD)
for the development of a
secondary school and retail uses**

Pitts School Rd NW & Weddington Rd
PIN: 4690-60-1164



	Subject Property
	Parcels
ZONING CODE	
	CUC-2
	I-1
	I-2
	PUD
	RL



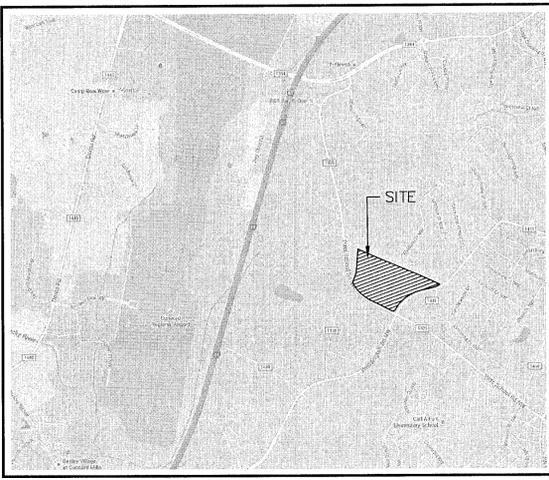
Source: City of Concord
Planning Department

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Plotted By: Bell, J. Sheet Set: Troutman Charter - Layout: C1.00, PRELIMINARY SITE SKETCH - June 01, 2015 11:47:43am. K:\RDT\DEVA\012587004_Traitman\Concord\15_CAD_Files\PlanSheets\C1.00 PRELIMINARY SITE SKETCH.dwg
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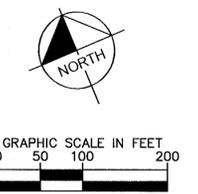


VICINITY MAP
NTS



SITE DATA:	
ZONING	C-2 CU
PIN #	46906011640000
ACREAGE	SITE=24.58 AC. OUTPARCEL=14.68 AC. R/W DEDICATION=0.79 AC. TOTAL=40.05 AC.
SETBACKS:	
FRONT	10'
REAR	N/A'
SIDE	N/A'
MINIMUM PARKING REQUIRED (60 CLASSROOMS X 1 SPACE/ROOM)	
PROPOSED PARKING PROVIDED	411 SPACES

NOTES:
 1. THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "X" PER FEMA FLOOD MAPS NO. 3710469000J AND 3710459900J WITH AN EFFECTIVE DATE OF 11/5/2008.



4449/1

Kimley»Horn
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 333 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601
 PHONE: 919-835-1494
 WWW.KIMLEY-HORN.COM

KHA PROJECT	012587004
DATE	05/18/2015
SCALE	AS SHOWN
DESIGNED BY	COB
DRAWN BY	WJB
CHECKED BY	COB

CABARRUS CHARTER HIGH SCHOOL
 PREPARED FOR
RYAN COMPANIES US, INC.
 CONCORD NORTH CAROLINA

CONCEPT SITE PLAN

SHEET NUMBER
C1.00

No.	REVISIONS	DATE	BY

(Please type or print)

Applicant Name, Address, Telephone Number and email address: Contact: Mike Harryman
Ryan Companies US, Inc. , 101 E. Kennedy Blvd, Ste. 2450, Tampa, FL 33602
Phone: (813) 204-5002, Email: Mike.Harryman@ryancompanies.com

Owner Name, Address, Telephone Number: Contact: Roselyn Bar
Martin Marietta Materials Inc, 2710 Wycliff Road, Raleigh, NC 27607
Phone: (919) 781-4550, Email: Roselyn.Bar@martinmarietta.com

Project Location/Address: NWC Pitts School Road NW and Weddington Road
P.I.N.: 46906011640000

Area of Subject Property (acres or square feet): 40.05 Acres

Lot Width: 2287' Lot Depth: 830'

Current Zoning Classification: I-1 / PUD

Proposed Zoning Classification: CU C-2

Existing Land Use: Vacant

Future Land Use Designation: Commercial

Surrounding Land Use: North Residential South Industrial
East Commercial/Vacant West Industrial

Reason for request: Construction of high school and commercial uses.

Has a pre-application meeting been held with a staff member? Yes

Staff member signature: *KEA* Date: 5/28/15

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

1. List the Use(s) Proposed in the Project:

Secondary School

Commercial

2. List the Condition(s) you are offering as part of this project. Be specific with each description.

(You may attach other sheets of paper as needed to supplement the information):

Secondary School as depicted on the attached plan.

I make this request for Conditional district zoning voluntarily. The uses and conditions described above are offered of my own free will. I understand and acknowledge that if the property in question is rezoned as requested to a Conditional District the property will be perpetually bound to the use(s) specifically authorized and subject to such conditions as are imposed, unless subsequently amended as provided under the City of Concord Development Ordinance (CDO). All affected property owners (or agents) must sign the application.



Signature of Applicant

5/29/2015

Date

Signature of Owner(s)

Date

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

1. List the Use(s) Proposed in the Project:

Secondary School

Commercial

2. List the Condition(s) you are offering as part of this project. Be specific with each description.

(You may attach other sheets of paper as needed to supplement the information):

Secondary School as depicted on the attached plan.

I make this request for Conditional district zoning voluntarily. The uses and conditions described above are offered of my own free will. I understand and acknowledge that if the property in question is rezoned as requested to a Conditional District the property will be perpetually bound to the use(s) specifically authorized and subject to such conditions as are imposed, unless subsequently amended as provided under the City of Concord Development Ordinance (CDO). All affected property owners (or agents) must sign the application.

 Signature of Applicant

 Date

James E. Thompson 5/28/15

 Signature of Owner(s) Date

WWW.RYANCOMPANIES.COM

RYAN COMPANIES US, INC.
101 E. Kennedy Blvd., Suite 2450
Tampa, FL 33602

813-204-5000 *tel*
813-204-5050 *fax*



Adam Robinson
Director of Development
Ryan Companies US, Inc.
101 E. Kennedy Blvd., Suite 2450
Tampa, FL 33602
7-14-2015

Mr. Ashley
Planning and Development Manager
City of Concord Planning and Neighborhood Development
PO Box 308
Concord, NC 28026-0308

Dear Mr. Ashley:

We have the following zoning item on the upcoming City of Concord Planning and Zoning Commission Meeting on July 21st, 2015 in Concord, NC:

Case Z (CD)-19-15 (LEGISLATIVE HEARING)

Ryan Companies, US, Inc. has submitted a zoning amendment application for property located at the northwest quadrant of Pitts School Road NW and Weddington Road NW from Light Industrial (I-1) and Planned Unit Development (PUD) to General Commercial-Conditional District (C-2CD) for the development of a secondary school and retail uses (PIN 4690-60-1164).

We would like the following uses to be prohibited from the proposed zoning General Commercial-Conditional District (C-2CD):

1. Air Transportation and support facilities
2. Bus Charter Service including passenger terminal
3. All Utilities items in section 8.2.5.J per Concord Development Ordinance – Article 8 Use regulations
 - a. Electric Generating Facility
 - b. Natural Gas Facility
 - c. Pipeline Petroleum and natural or manufactured Gases

Mr. Ashley

7-14-2015

Page 2

- d. Sewage Treatment facility, private as permitted by NC DENR
- e. Water Treatment Facility
- 4. Fortuneteller, Divination, Palmistry
- 5. Vehicle Sales and Service 8.2.6.1
 - a. Vehicle storage lot
 - b. Automobile Parts, used or salvaged parts, NO outdoor storage
 - c. Automobile repair, Major
 - d. Automobile towing and wrecker service
 - e. Manufactured home sales
 - f. Vehicle sales, lease, rental, including boat, RV and storage buildings
 - g. Truck Stop, Travel Plaza
- 6. Light Industrial Service 8.2.7.A
 - a. LP Gas & Heating Oil Dealer.
 - b. Machine Shop
 - c. Musical Instrument Manufacturing
 - d. Pest Control Service
 - e. Portable Toilet Service
 - f. Small Engine Repair
 - g. Tire recap and repair facility
- 7. Warehousing and Storage, non-farm related products
- 8. Solid waste Management Facility
- 9. Dry Cleaning, Laundry Plant

Sincerely,



Adam Robinson

Director of Development, Ryan Companies

Certification

I hereby acknowledge and say that the information contained herein and herewith is true, and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department.

Date: 5/28/2015

Applicant Signature: 

Property Owner or Agent of the Property Owner Signature:

Certification

I hereby acknowledge and say that the information contained herein and herewith is true, and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department.

Date: _____

Applicant Signature: _____

Property Owner or Agent of the Property Owner Signature:

James E. Thompson Jr.



DATE: July 21, 2015

CASE #: Z (CD)-13-15

DESCRIPTION: Zoning Map Amendment
(RM-1 Residential Medium Density to C1-CD Light Commercial Conditional District)

OWNER(S): Estate of Earl D. Whitley

APPLICANT: Daniel W. Sullivan

LOCATION: 1144 Union St. South

PIN#(s): 5539-77-6695

AREA: .33 +/- acres

ZONING: RM-1 (Residential Medium Density)

PREPARED BY: Starla Rogers, Sr. Planner

BACKGROUND

The subject property consists of approximately .33 acres on the west side of Union Street, South, generally on the northwest quadrant of Union Street, South and Cumberland Court, Southwest. The applicant seeks a zoning map amendment to C1-CD (Light Commercial Conditional District) in order to convert the existing residential structure into a consulting office/business.

HISTORY

The subject property is the site of an approximately 1,100sf single-family residential structure. According to Cabarrus County Tax Records, the residential structure was constructed in approximately 1940. There also four (4) accessory storage structures in the rear yard, totaling approximately 950 sf. The property was annexed into the City of Concord, prior to 1986 and was then zoned a form of low density residential. The property has been zoned and utilized as residential since that time.

SUMMARY OF REQUEST

The petitioner proposes to rezone the subject property from RM-1 (Residential Medium Density) to C1-CD (Light Commercial Conditional District). The petitioner has clarified that he seeks approval limiting the use of the subject property to a consulting office/business use. His specific use involves the consulting relative to funeral related activities, with limited sales of related items. No product inventory will be displayed outdoors for sale. All other commercial uses

would be specifically prohibited unless the property were to be rezoned again, in the future, to add the specific new requested use(s).

Because the request is conditional district in nature, the applicant has submitted a site plan as a condition to the proposed commercial zoning. The proposal intends to maintain the residential character of the existing site and utilize the existing curb cuts on Union Street to create a circular driveway as a one-way access and circulation. There is also an existing driveway that leads to access on Cumberland Court, SW. The applicant would like to maintain this driveway's existence but limit it to an exit only, left turn only, egress. A directional traffic sign is proposed for the end of the driveway to appropriately direct traffic. All portions of the driveway are shown to be gravel. Four (4) gravel parking spaces are also proposed on site, with one noted as handicap van accessible, in compliance with ordinance regulations. These parking spaces have not been drawn to scale but the large site allows plenty of space to accommodate the spaces in the suggested location. Class "B1" buffers have been noted on the side and rear property lines. Due to the existing layout of the site, the buffer widths cannot be met on certain sections of the property lines. Street yards of 8ft in width are also shown on both street frontages. Exact landscaping proposals have not been submitted but will be required to meet the intent of the ordinance during technical site plan review. Existing mature trees are proposed to remain on the site. Staff will account for the existence of the mature trees during the plan review process. The project will be subject to technical site plan review, including obtaining an NCDOT driveway permit and installing sidewalk.

The applicant has provided the staff with evidence that certified letters were mailed to adjacent property owners in lieu of a neighborhood meeting (in accordance with Section 3.2.3).

Properties to the North are zoned RM-1 (Residential Medium Density) and B-1 (Neighborhood Commercial). The RM-1 properties are utilized as single-family residential and the B-1 properties contain a convenience store with fuel sales and the other parcel remains vacant. However, the property located two parcels to the north, at 1128 Union Street, South is also proposed for rezoning to C1-CD. That case is included on this month's agenda. Properties to the west are zoned RM-1 and are improved with single-family residential structures or remain vacant. Properties to the east are zoned RM-1 and are developed with single-family residential structures and a religious institution (Center United Methodist Church.) Properties to the south are zoned RM-1 and are developed as single-family residential.

Existing Zoning and Land Uses					
Current Zoning of Subject Property	Zoning Within 500 Feet		Land Uses(s) of Subject Property	Land Uses within 500 Feet	
RM-1 (Residential Medium Density)	North	B-1 and RM-1	Single-family residential	North	Single-family residential, vacant and convenience store with fuel sales
	South	RM-1		South	Single-family residential
	East	RM-1		East	Single-family and institutional (church)
	West	RM-1		West	Single-family residential and vacant

COMPLIANCE WITH 2015 LAND USE PLAN

The 2015 Land Use Plan (LUP) predominately designates the subject property as “residential”. C-1 zoning (including conditional district) is specifically listed as being consistent with the residential land use designation provided that it meets two of the following conditions:

1. Frontage on a major or minor thoroughfare or is part of an expansion to an existing C-1 area, which is located adjacent to an existing major or minor thoroughfare, but does not expand said district by greater than 50%.
2. The development proposes low impact uses that are intended to serve the adjacent neighborhoods.
3. None of the traffic from the C-1 area to the arterial street will utilize a street which contains single family detached structures.

The property is located on a major thoroughfare (S. Union Street), and the proposed use is low impact in nature, which will generally serve the adjacent neighborhood. The applicant has proposed to utilize signage to prohibit left turns on Cumberland. While this condition may not completely prohibit the occasional vehicle entering the street, it is doubtful, given the nature of the proposed use, that use of the residential street by patrons of this proposed business would be significant. It is the staff’s opinion that the request is consistent with the LUP.

SUGGESTED STATEMENT OF CONSISTENCY

- The subject property is approximately .33 acres.
- The subject property is improved with single-family residential structure and four detached outdoor storage buildings.
- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because it meets all criteria necessary to justify the allowance of C-1 (or conditional district variations) within the “residential” Land Use Category as Union Street is a major thoroughfare, uses could be utilized by the surrounding neighborhood, and the proposed signage will eliminate uses of the adjacent residential street.
- The zoning amendment is reasonable and in the public interest because the petition proposes consulting office/business uses that could support the surrounding neighborhoods.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request consistent with the 2015 Land Use Plan and the requirements of the Concord Development Ordinance. The staff (and Development Review Committee) has no objections to the petition. Because this petition is a parallel conditional district request, the Commission, should they decide to approve the request, may, according to Section 3.2.8.E of the CDO, suggest **“reasonable additional conditions or augment those already provided with the petition, but only those conditions mutually agreed upon by the petitioner and the Commission or Council may be incorporated into the approval. Any such condition should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems,**

screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space and other matters that the Commission or Council may find appropriate.”

The petitioner has consented to the following conditions:

1. Compliance with the submitted site plan.
2. Uses on the site shall be limited consulting office/business, with no outdoor storage of inventory for sale.
3. The project shall be subject to technical site plan approval.

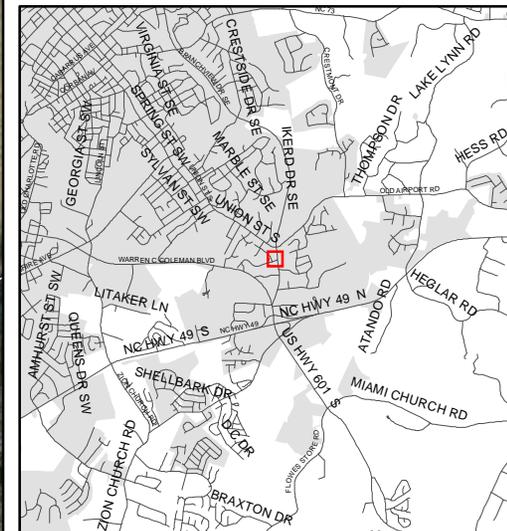
PROCEDURAL CONSIDERATIONS

This particular case is a rezoning to a parallel conditional district, which under the CDO, is “legislative” in nature. Legislative hearings DO NOT require the swearing or affirming of witnesses prior to testimony at the public hearing.

**Z(CD)-13-15
AERIAL**

**Zoning map
amendment application
Residential Medium Density
(RM-1) to Light Commercial -
Conditional District (C1-CD)
for the redevelopment of a
single family home to a
consulting business**

1144 Union St S
PIN: 5539-77-6695



Source: City of Concord
Planning Department

Disclaimer

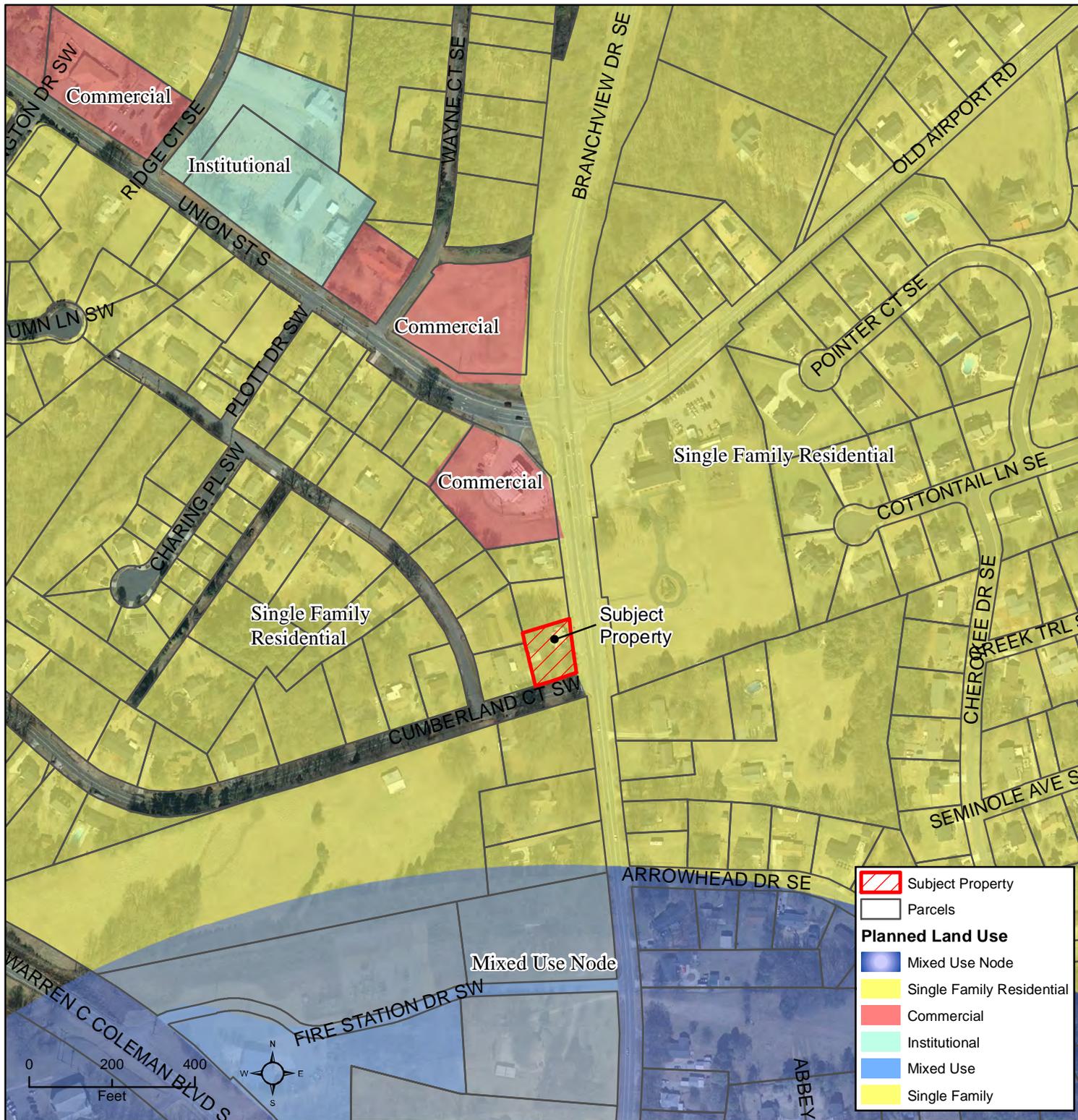
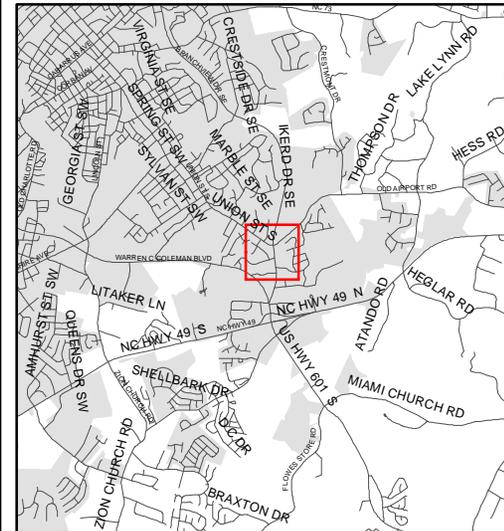
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**Z(CD)-13-15
LAND USE PLAN**

**Zoning map
amendment application
Residential Medium Density
(RM-1) to Light Commercial -
Conditional District (C1-CD)
for the redevelopment of a
single family home to a
consulting business**

1144 Union St S
PIN: 5539-77-6695



	Subject Property
	Parcels
Planned Land Use	
	Mixed Use Node
	Single Family Residential
	Commercial
	Institutional
	Mixed Use
	Single Family



Source: City of Concord
Planning Department

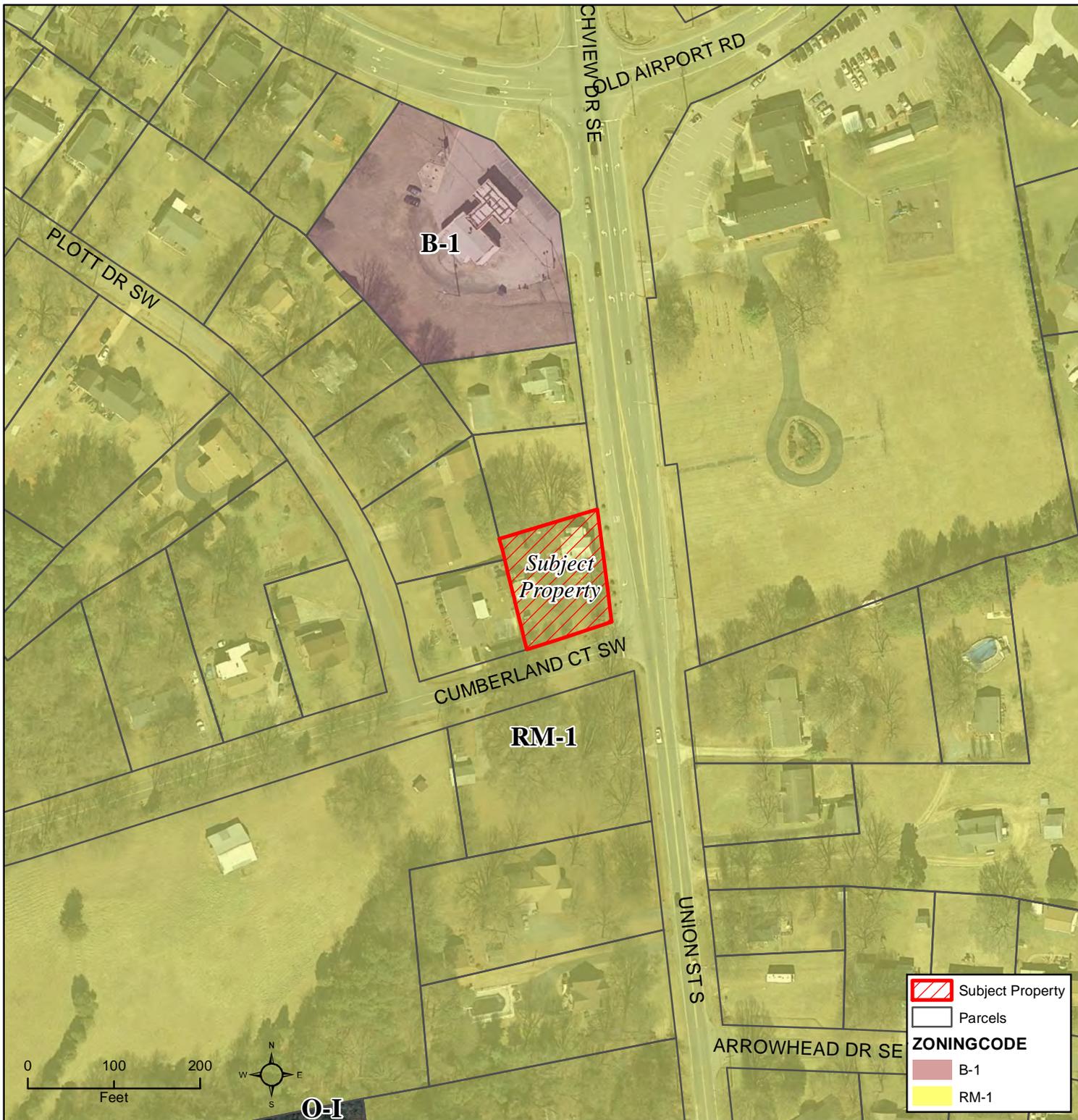
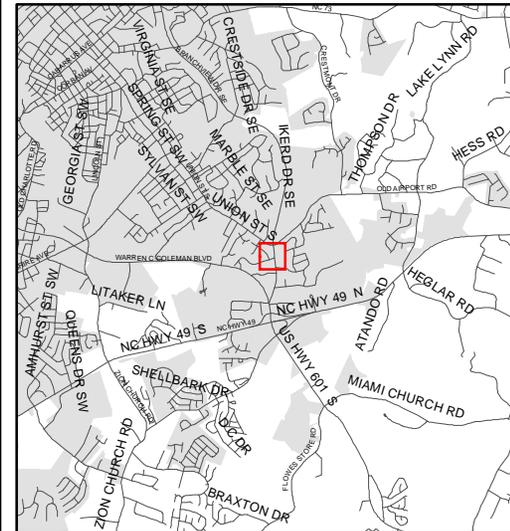
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**Z(CD)-13-15
ZONING MAP**

**Zoning map
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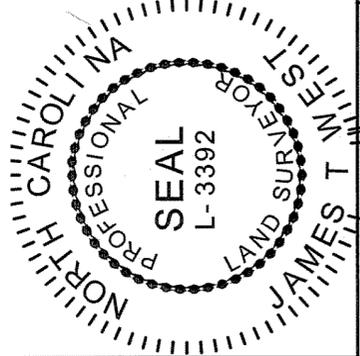
	Subject Property
	Parcels
ZONING CODE	
	B-1
	RM-1



Source: City of Concord
Planning Department

Disclaimer

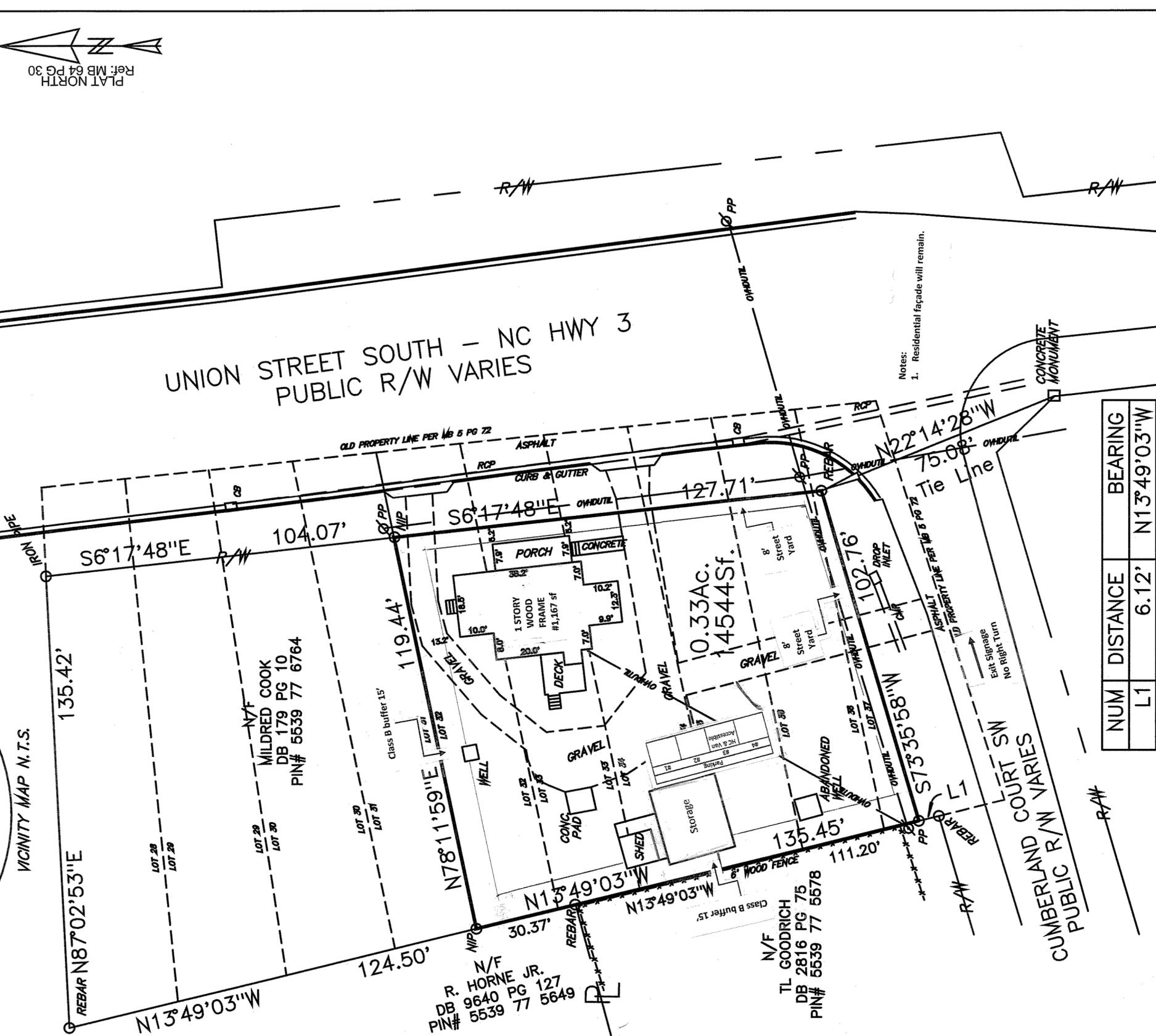
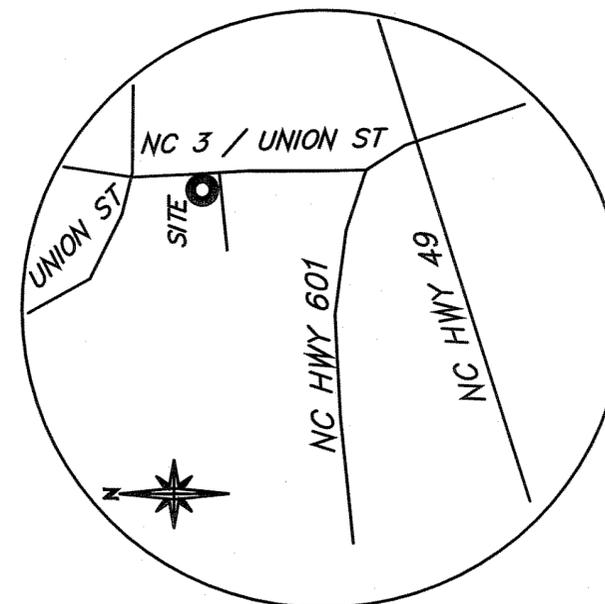
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The state of North Carolina
 I, James T. West, certify that this map was drawn by me
 or under my supervision from an actual survey made by me
 or under my supervision; deed description recorded in book
 229 page 266, that the error of closure as calculated by
 Latitudes and departures is 1:23,000+-; That boundaries
 not surveyed and shown as drawn are drawn from information
 found as noted.
 Witness my hand and official seal this 5th day of June 2015
SIGNED & SEALED
 JUNE 5, 2015
 L-3392
 REG. NO.
 James T. West

HARRISBURG SURVEYING
 DEUT. V: 27-17/PROV. V: 22-28
 115 Plaza Dr Harrisburg, N.C.
 (704)-455-9553 PHONE
 (704)-455-9008 FAX
 http://www.harrisburgsurveying.com

This property is subject
 to any and all R/W's or
 easements of record not
 uncovered by this survey
 This survey was performed
 without the benefit of a
 Title Report.
 Zoned : RM-1
 Setbacks:
 Front : 25'
 Side : 10'
 Rear : 25'
 Setback shown on
 survey per plat



NUM	DISTANCE	BEARING
L1	6.12'	N13°49'03"W

LEGEND
 EIP - Existing Iron Pin / Pipe
 NIP - New Iron Pin (1/2" Iron Rod/Rebar)
 CP - Computed Point
 PIP - Power Pole
 R/W Mon. - Right-of-Way Monument
 R/W - Right of Way
 Asph. - Asphalt
 Conc. - Concrete
 CB - Catch Basin
 RCP - Reinforced Concrete Pipe
 CMP - Corrugated Metal Pipe
 DI - Drop Inlet
 O/H/D - Overhead Utility
 Util - Utilities
 Esmt. - Easement
 L - Center Line

NOTES
 1. Residential facade will remain.

This property is not in
 a 100 year flood hazard
 area. Reference FIRIM map
 #3710553900J
 Effective date Nov. 5, 2008

Survey of Part of Lots 32 - 37, Mrs. Geo C. Heglar Prop., MB 5 PG 72, DB 229-266 & DB 867-114; PIN#5539 77 6695
 Survey for Daniel W. Sullivan
 NO. 11 Township, City of Concord CABARRUS COUNTY North Carolina
 Scale: 1" = 40'
 Date: JUNE 5, 2015
 References: DB 229-266, DB 867-114, MB 5 PG 72, MB 64 PG 34 All deeds as shown
 Drawn By: SDG
 Checked By: JTW
 Revision
 MSCAN. 150603

(Please type or print)

Applicant Name, Address, Telephone Number and email address: Daniel W. Sullivan

5513 Cold Creek Farms Road Concord NC 28025 – 704-622-4241

Owner Name, Address, Telephone Number: Earl & Maree Whitley

4878 Winding River Lane, Stanfield, NC 28163 – 704-781-5488

Project Location/Address: 1144 Union St S

P.I.N.: 5539-77-6695-0000

Area of Subject Property (acres or square feet): .33 Acres

Lot Width: 120' Lot Depth: 106'

Current Zoning Classification: RM-1

Proposed Zoning Classification: CDC1

Existing Land Use: Single Family

Future Land Use Designation: Res.

Surrounding Land Use: North Same

East Same – Chruch Cemetery

Reason for Request: Current zoning is RM1. Request is to convert
to appropriate commercial to accommodate

Has a pre-application meeting been held with a staff member? Yes

Staff member signature: KEA

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

1. List the Use(s) Proposed in the Project:

The proposed project will incorporate the existing structure into a residential style office that will be upgraded to incorporate the surrounding residential look and feel. It will be consultative sales in nature helping families plan for their final arrangements. Various expertise, products and services related to end of life planning will be offered including caskets, vaults, cemetery lots, cremations, funeral services, memorial products, etc. An increase in traffic flow is expected to be minimal.

(You may attach other sheets of paper as needed to supplement the information):

- The existing entryway on the side road Cumberland will incorporate a one way sign that will channel traffic off of Cumberland and towards Union Street.
- Four trees ranging in diameter from 20-50" will be preserved (so long as they are healthy) to maintain the residential look and feel and enhance the neighborhood.
- An existing privacy fence will be maintained along the back boundary line.
- A gardens show area will be developed to include various trees, shrubs, and grasses.

I make this request for Conditional district zoning voluntarily. The uses and conditions described above are offered of my own free will. I understand and acknowledge that if the property in question is rezoned as requested to a Conditional District the property will be perpetually bound to the use(s) specifically authorized and subject to such conditions as are imposed, unless subsequently amended as provided under the City of Concord Development Ordinance (CDO). All affected property owners (or agents) must sign the application.

D.W. All 5/29/15
Signature of Applicant Date

Earl D. White, Jr. 6-5-15
Signature of Owner(s) Date

Marce A. Whitley 6/5/15

Abstract

The current residential home at 1144 Union Street is in dire need of repair to the point of being uninhabitable and an eye sore. The front porch is located within 20 feet of Union Street. Because of this, the likely hood of selling or revitalizing this property for residential usage is extremely poor. Furthermore, allowing a family to occupy this dwelling represents an unwarranted hazard.

Across the street is a church cemetery, three parcels down is a busy gas station, and two parcels down a similar request to this one has been made. The parcel between the two is a vacant lot that I am attempting to purchase and incorporate. Between the gas station and Cumberland road, there are only these 3 parcels.

Converting this from a residential zoning to a commercial zoning would allow the property to be better maintained, alleviate the hazard regarding a family living near the road, and enhance the overall community appearance.

The proposed use is to develop this into a residential style office maintaining the existing dwelling with cosmetic upgrades. The business itself will be consultative sales in nature helping families plan for their final arrangements. Various expertise, products and services related to end of life planning will be offered including caskets, vaults, cemetery lots, cremations, funeral services, memorial products, etc. An increase in traffic flow is expected to be minimal.



DATE: July 21, 2015

CASE #: Z -14-15

DESCRIPTION: Zoning Map Amendment
Light Commercial Conditional District (C-1CD) to Residential Village (RV)

APPLICANT/OWNERS: Southeastern Premiere Properties/William G. Allen

LOCATION: 375 Pitts School Road

PIN#s: PINs: 4599-87-0929

AREA: 0.88 +/- acres

ZONING: Light Commercial Conditional District (C-1CD)

PREPARED BY: Kevin E Ashley, AICP Planning and Development Manager

BACKGROUND

The subject property consists of approximately 0.88 acres on the south side of Pitts School Road.

HISTORY

The subject property is improved with a single family home. According to Cabarrus County information, the structure was built in 1949, and has approximately 1,507 square feet of floor area.

The property was annexed as part of a City-initiated annexation, which was effective in December of 1995 (Ordinance #95-20). The property was zoned Medium Density Residential (R-3) upon annexation. The R-3 zoning was subsequently converted to Residential Village (RV) upon adoption of the Unified Development Ordinance (now known as the CDO) in November, 2000.

In September, 2014 the Commission heard a request from the former property owners to zone the property to CD-C1 for the development of an internet based use car sales lot, with a “live-work unit.” The request was met with considerable public opposition. The Commission voted 3-3 to approve the request, and as a result, the petition was forwarded to Council as the petition did not receive the required supermajority for approval. At the October Council hearing, the petition was approved.

The property was operated for the permitted car dealership for a short time, until the use ceased. The current owner obtained the property from Lisa and Tracey Salomon (the previous) owners in May, 2015.

SUMMARY OF REQUEST

The petitioner proposes to rezone the property back to its previous classification of RV. The application states that the property will be utilized for the development of a portion of a residential subdivision.

Properties directly to the north, across Pitts School Road, are zoned Residential Low Density (RL) and are improved with single family residences. Land to the east and south are zoned Residential Village (RV) and consist of single family homes and vacant land. Land to the west is zoned Neighborhood Commercial and Office (B-1). This property was proposed for a small shopping center development, which was submitted for review but never approved.

Existing Zoning and Land Uses					
Zoning of Subject Property	Zoning Within 500 Feet		Land Uses(s) of Subject Property	Land Uses Within 500 Feet	
Light Commercial Conditional District (C-1CD)	North	RL Residential Low Density	Single Family Residential	North	Single Family Residential
	East	RV Residential Village		East	Single Family Residential
	South	<u>RV Residential Village</u>		South	Single Family Residential and Vacant Land
	West	B-1 Neighborhood Commercial and Office		West	Vacant Land

COMPLIANCE WITH 2015 LAND USE PLAN

The 2015 Land Use Plan (LUP) designates the subject property as “residential.” RV is listed specifically as a permitted zoning district within the “residential” land use designation.

SUGGESTED STATEMENT OF CONSISTENCY

The subject property is approximately 0.88 acres, is zoned Light Commercial Conditional District (C-1CD) for limited automobile sales and a “live-work unit.”

- The proposed zoning amendment is consistent with the 2015 Land Use Plan (LUP) because the property is designated “residential” and RV is deemed to be consistent with the “residential” designation.
- The zoning amendment is reasonable and in the public interest because the petition amends the zoning to the previous, historical zoning classification and the request is an extension of an established district.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request consistent with the 2015 Land Use Plan and the requirements of the Concord Development Ordinance and has no objections to the request. Because this petition is conventional district request, sworn testimony and findings of fact are not required, and the Commission may not impose conditions on the approval.

PROCEDURAL CONSIDERATIONS

This particular case is a rezoning to a conventional zoning district, which under the CDO, is “legislative” in nature. Legislative hearings DO NOT require the swearing or affirming of witnesses prior to testimony at the public hearing.

**Z-14-15
AERIAL**

**Zoning map
amendment application
Light Commercial-
Conditional District (C-1CD) to
Residential Village (RV)**

375 Pitts School Rd NW
PIN: 4599-87-0929



Source: City of Concord
Planning Department

Disclaimer

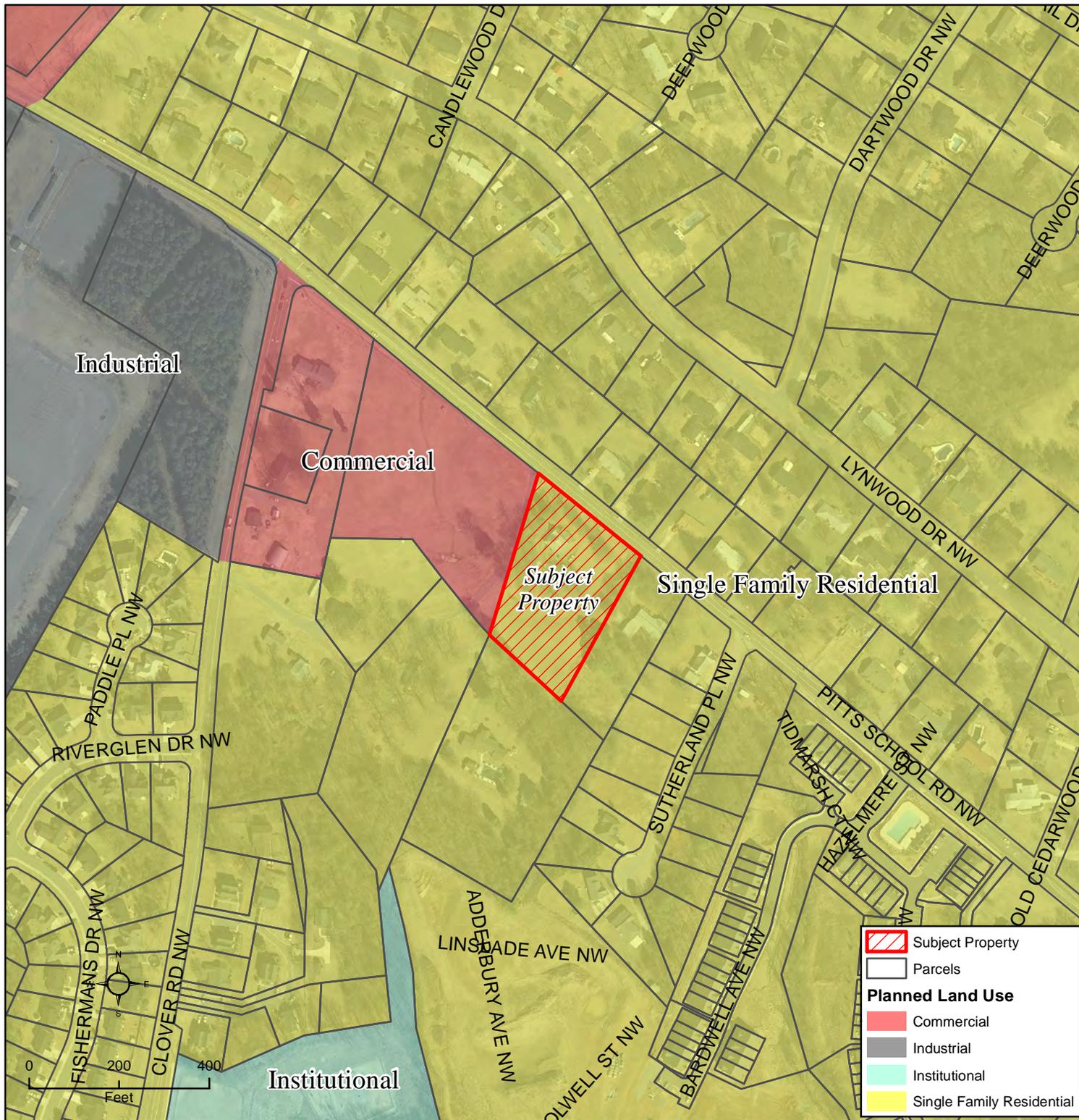
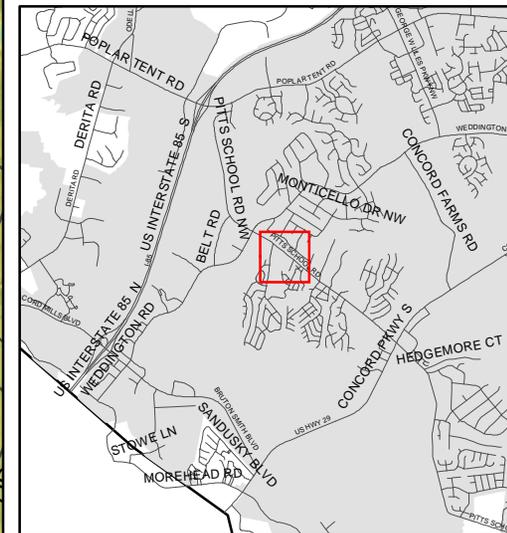
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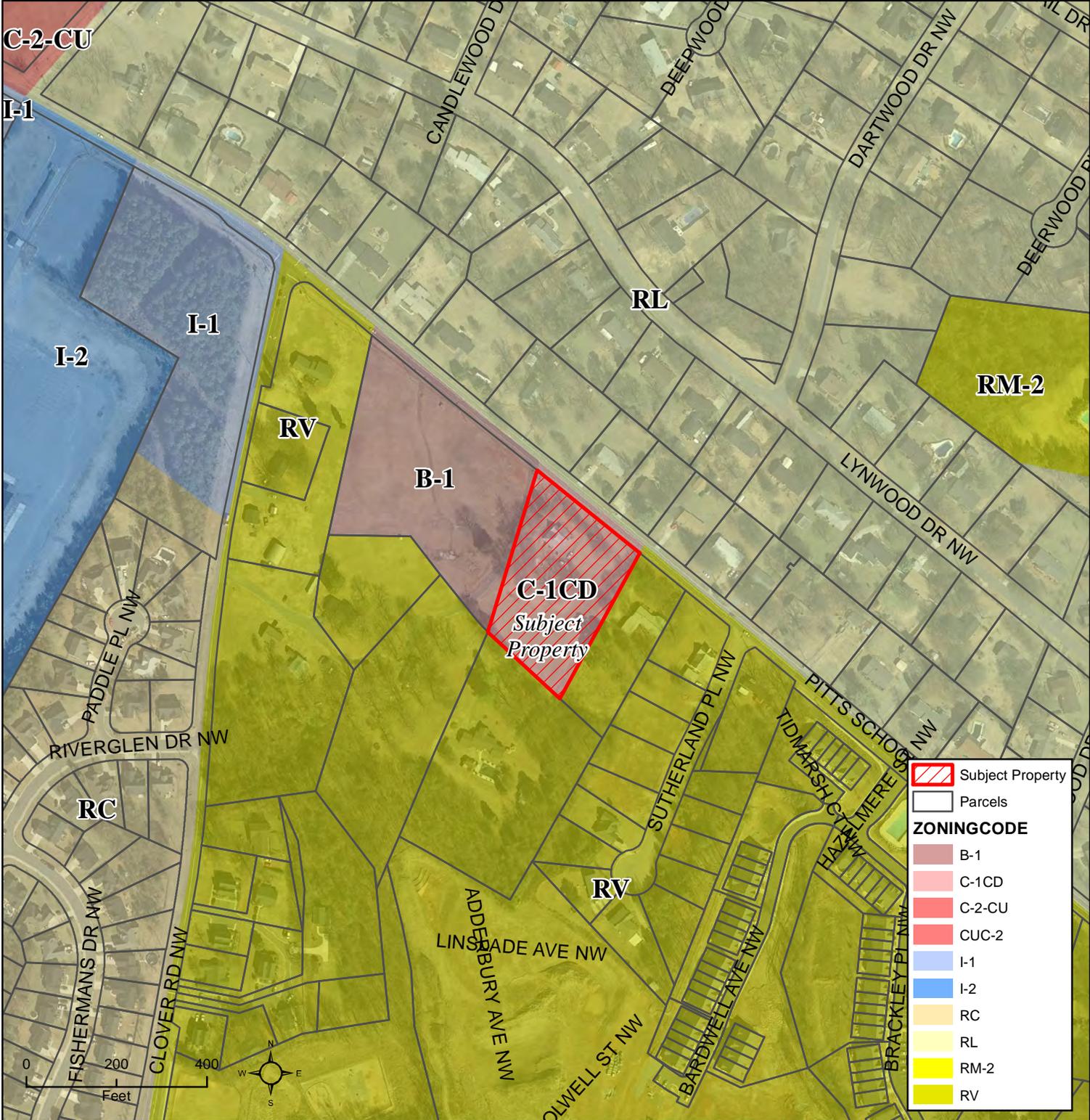
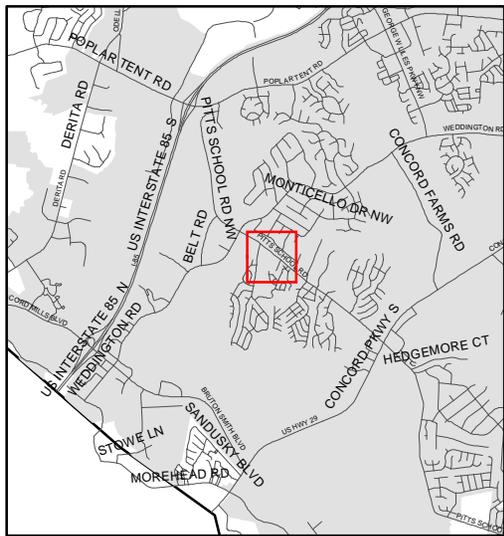
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ZONING MAP**

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amendment application
Light Commercial-
Conditional District (C-1CD) to
Residential Village (RV)**

375 Pitts School Rd NW
PIN: 4599-87-0929



	Subject Property
	Parcels
ZONING CODE	
	B-1
	C-1CD
	C-2-CU
	I-1
	I-2
	RC
	RL
	RM-2
	RV



Source: City of Concord
Planning Department

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